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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, September 8, 1986*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MURTHA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 15, 1986.

I hereby designate the Honorable JOHN P. MURTHA to act as Speaker pro tempore on Monday, September 8, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we pause this moment to offer our prayer, praise, and thanksgiving for Your continued blessing on each of us and on the work we seek to do. We are aware that all our talents and abilities are of little use unless we set our face in the right direction and act in the way of justice and peace. We pray that Your spirit will so lighten our paths and illumine our hearts that we will walk through the difficult days ahead with our eyes on the way of righteousness even as our hands are set to labor on the tasks before us. Guide us, guard us, and give us Your blessing, O God, this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5316. An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of U.S. trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of U.S. trustees in such cases, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5316) "An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of U.S. trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of U.S. trustees in such cases, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. HATCH, Mr. GRASSLEY, Mr. DECONCINI, and Mr. HEFLIN, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1047. An act to reform the laws relating to former Presidents;

S. 1092. An act to authorize appropriations for the U.S. Mint, and for other purposes;

S. 1421. An act consenting to a modification in the Susquehanna River basin compact relating to the rate of interest on bonds issued by the Susquehanna River Basin Commission;

S. 1917. An act to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes;

S. 2462. An act to provide for the awarding of a special gold medal to Aaron Copland;

S. 2496. An act to authorize the President to award congressional gold medals to Drs. Andrei Sakharov and Yelena Bonner for the great personal sacrifice they have made to further the causes of human rights and world peace;

S. 2585. An act to authorize the President of the United States to award a congressional gold medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal;

S. 2703. An act to amend the Federal Aviation Act of 1958 to provide that prohibitions of discrimination against handicapped individuals shall apply to air carriers;

S. 2759. An act relating to telephone services for Senators;

S.J. Res. 190. Joint resolution to establish greater productivity in Federal Government operations as a national goal of the United States; and

S.J. Res. 269. Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that pursuant to Public Law 90-206, the Chair on behalf of the Vice President appoints Russell W. Meyer, Jr., of Kansas, as a member from private life to the Commission on Executive, Legislative, and Judicial Salaries.

LEGISLATION TO REVISE GRAIN QUALITY STANDARDS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the gentleman from Iowa [Mr. EVANS], this Member, and others have introduced legislation to revise our grain quality standards. Later this week the House Agriculture Committee is expected to examine legislation which would alter U.S. grain quality standards.

Currently, the Agriculture Committee is reviewing legislation that would prohibit the reintroduction of foreign material into grain intended for export. It would also require that sublots of a shipment of grain meet the same grade as the entire lot of grain and it would require dockage recordings to be rounded off in the direction to understate the quality of grain. Finally it would create the tools necessary for markets to establish grain quality improvement incentives. Because it's obvious that these changes, as a minimum, are required, I felt it was appropriate to sponsor the bill.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Our current standards operate in a way that enables grain handlers, individuals, and companies in the production, storage, and export of grain, to raise the amount of foreign material, moisture, and dirt so that they can get additional profits. Present grain quality standards encourage quality problems. Consequently, standards should be changed immediately to accurately reflect the grain quality and provide economic incentives for delivering quality grain.

I urge rapid action and then I urge the leadership of the House to take action to expedite the consideration and passage of this legislation.

This Member believes that our existing grain quality standards are actually encouraging the corruption of our product.

They encourage the addition of foreign material. By blending poor quality and moisture-laden grain and soybeans the reputation of American agricultural products has been badly damaged. It is no wonder that foreign delegations which visit the Grain Belt repeatedly complain about the quality of American grain being exported. They note the quality of grain being harvested and ask why such quality grain doesn't reach their shores.

The National Commission on Agriculture Exports and Trade, of which I was a member, has made important recommendations for revisions and two reports, one from the Office of Technology Assessment, are coming to the Congress before the end of 1986 for action. However, it is obvious that there are some legislative changes that must be made now in the absence of administrative action. I urge the House to pass the pending legislation for improving the grain quality standards for the export of American grain and soybeans.

WHEAT, CORN, AND SOYBEAN PRODUCERS WOULD BENEFIT BY USE OF MARKETING LOAN CONCEPT

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, today the American farmer continues to face devastating carryover stocks of wheat, feed grains, and soybeans. Although the Agriculture Secretary now has discretion under the 1985 farm bill to approve marketing loans for these commodities, he has not yet done so.

Both cotton and rice producers are using the marketing loan concept with astounding results. Rice exports are up 50 percent. Cotton producers have increased their share of the world cotton market from 10 percent to 29 percent. They will sell 6 to 7 million bales of cotton this year overseas compared with 1.5 million bales last year.

Some cotton experts are saying that there could be a domestic shortage of this commodity next year.

It is time that wheat, corn, and soybean producers are allowed to use this vital marketing tool. Continuing to pile up surpluses on top of each other only depresses prices, increases taxpayer program costs and will aggravate an already critical shortage of storage space in the Midwest.

I ask my colleagues, both rural and urban, to support this bill and give the American farmer the tool he needs to beat foreign competition head on. Only then will he retake what is rightfully his: unchallenged dominance of world markets.

RETROACTIVE TAX REVISION TARGETS PUBLIC SERVANTS UNFAIRLY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, in the conference report on tax reform, only one group of Americans has been singled out for retroactive tax revision; that group consists of nearly 20 million police officers, firemen, teachers, and local, State, and Federal Government workers.

These dedicated public servants, at all levels of government, participate in mandatory contribution pension plans. Money contributed to such systems is taxed as gross income and under current tax laws, contributors are allowed up to a 3-year tax-exempt grace period to recover their contributions.

The conference report on tax simplification, however, would change all that and would subject these public servants to immediate taxation on their annuities—effectively ending the only benefit of such a contributory plan. Even more serious is the fact that this provision has been made retroactive. This effectively traps many public employees in their jobs without having the benefit of opting for the 3-year recovery rule on which they based their retirement plans.

Mr. Speaker, each and every day we depend on teachers, firemen, police officers and government employees to provide us with important services—services we demand. It is unfair to eliminate one of the few benefits public employees have, but, it is even more unfair to do it retroactively. Public employees are the only group to be faced with retroactive tax revision.

I will be holding a special order on this subject at the conclusion of business today. I am committed to working to eliminate the damage the proposed tax reform conference will reap if passed and I encourage my colleagues to join me in this effort. It is a question of fairness and we need your support in this battle.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 18, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 2:36 p.m. on Monday, August 18, 1986, the following message from the Secretary of the Senate: That the Senate recedes from its amendment numbered 2 to the bill, H.R. 5395, and that the Senate passed H.J. Res. 713, H. Con. Res. 288, H. Con. Res. 301, H.R. 1260, H.R. 3554, H.R. 4331, H.R. 4393, H.R. 4843, and H.R. 5371.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bill and joint resolutions on Saturday, August 16, 1986:

S. 410. An act to reform the residential conservation service and to repeal the commercial and apartment conservation service;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

And he signed the following enrolled bills and joint resolution on Tuesday, August 19, 1986:

H.R. 1260. An act for the relief of Joe Herring.

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, and for other purposes.

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station.

H.R. 3554. An act to to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and for other purposes;

H.R. 4331. An act to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development;

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and

net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

H.R. 5395. An act to increase the statutory limit on the public debt;

H.J. Res. 713. Joint resolution making a repayable advance to the hazardous substance response trust fund; and

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands.

And he signed the following enrolled bills on Thursday, August 21, 1986;

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of the uniformed services and persons who reside overseas; and

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 8, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 4:35 p.m. on Thursday, August 28, 1986 and said to contain a message from the President under the Federal Pay Comparability Act of 1970; and

(2) At 2:50 p.m. on Thursday, September 4, 1986 and said to contain a message from the President whereby he advises the Congress of the continuance of the national emergency with respect to South Africa. He attaches a copy of his Notice, which was earlier filed with the Office of the Federal Register.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-262)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, September 8, 1986.)

CONTINUATION OF THE SOUTH AFRICA EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-263)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message see proceedings of the Senate of today, Monday, September 8, 1986.)

TERRORISM

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the most recent outbreak of international terrorism, an attack on a synagogue in Turkey, is one more tragic example of the stranglehold terrorist groups may have on the free world if we do not respond to their despicable acts of violence.

Following closely behind the Pan Am Airlines hijacking, two Arab gunmen with probable ties to the notorious Abu Nidal, burst into a synagogue in Turkey, hurling grenades and firing submachine guns, killing 21 Jewish worshippers attending a Sabbath prayer service. This cowardly act, like the scores of random dastardly acts against humanity which have preceded it, was conceived and carried out solely to disrupt and derail the Mideast peace initiative.

The United States and the rest of the nations of the world must not be held hostage by these international hoodlums who work to destabilize the international order, and impose their own diabolical objectives on us all. When a particular group has been identified as perpetrating these barbaric terrorist acts against innocent individuals, we must move swiftly and decisively against that group to demonstrate beyond any doubt that the world will not tolerate their crimes against mankind; and when such actions are taken in retaliation, let us not forget who are the victims and who are the criminals.

PROVISIONS AFFECTING GOVERNMENT RETIREES IN TAX REFORM BILL SHOULD BE CORRECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, I want to discuss one of the more onerous provisions in the tax reform conference agreement.

I know that many of my colleagues have returned from their districts having heard from police, firemen, teachers, local, State, and Federal Government workers, and Capitol Hill employees, who are concerned about the tax reform conference report altering the 3-year-basis recovery rule.

These public servants, at all levels of government, participate in a mandatory—and it is mandatory, Mr. Speaker—contributory pension plan. Money contributed to such systems is taxed as gross income, and under current tax law, contributors are allowed up to a 3-year tax-exempt grace period at retirement for recovering their contributions.

What is even of greater concern, however, is that the tax reform conference report not only eliminates this provision, wiping out one of the only such benefits in the contributory system, but does it—and this is the key—retroactively, thus trapping retirement-eligible employees in their jobs without having the benefit of opting for a 3-year recovery rule on which they have based years of retirement planning.

The effective date for the annuity pension tax is retroactive to July 1, 1986. It is this provision which I must address today.

This provision has surprised, I think quite frankly, the Congress, and may even have surprised the Members that were on the conference committee. It has angered thousands of Government employees—teachers, policemen, firemen, rescue squad members, Federal employees—who either retired after the July 1 effective date, are eligible to retire but had a loyalty and commitment to their project and mission who are waiting until the end of the year, or those who have carefully mapped out their retirement plans throughout their previous 30-, 35-, or 40-year service.

I had the opportunity 2 weeks ago to speak to a Civitan group in my congressional district. There were two teachers who both had worked up through July 3. As a result of their working that 1 extra week to help out the Fairfax County school system, they will pay an unbelievable tax. They never ever had any idea that that would be the case.

Many of these individuals were encouraged to put money into U.S. savings bonds and other investments so that they might cash them immediately upon retirement during this "tax free" period. Now the rules could suddenly change, and those plans could be wiped out.

In the hundreds of letters and phone calls that I have received, constituents have informed me that this retroactive date will cost some of them anywhere

from $5,000 to $30,000 in their retirement plans. If Congress is determined to change the rule, equity and fairness and consistency dictate that such a fundamental change in this recovery rule become effective prospectively—at least 60 days from the enactment of the tax reform legislation, and preferably at the end of the calendar year, when most retirements normally occur.

I am not asking that these employees receive special treatment—just fair treatment, just equal treatment. No other group of individual taxpayers were singled out for this retroactive tax revision. To make the date retroactive is proof to all current and potential government employees that Congress holds their concerns and well-being not in a very high position. The number of people is growing for whom the sense of pride and enthusiasm and dedication with which they entered government service has been replaced by a feeling of discouragement, resentment, and bitterness.

This feeling is now, to quote a constituent, "being compounded by a feeling of unjust exploitation. It is exactly as though your neighbor, having borrowed far beyond his means to obtain an addition to his house and expensive new cars in his garage, while you were carefully saving for your future, then stole your savings to help pay his debts, and had the power to make his theft legal by revising the law."

I would urge my colleagues to consider the teachers, the firefighters, the police, and the public servants at all levels of government who are concerned about this retroactive change, and in all fairness, join me in working to overturn or minimize the damage that the proposed tax reform conference report will reap if passed.

Mr. Speaker, I would like to read a couple of letters that were sent to me. I will not mention the names, and we will leave the parties unidentified.

Here is a letter dated August 21:

I believe that the tentative decision to implement this measure effective July 1, 1986, is discriminatory. I am unaware of any other class of individual which would be affected retroactively and with such a negative impact by the tax reform bill. Conventional wisdom advises prospective retirees to begin planning five years before retirement; and yet this legislation would yank the safety net from under a large group of retirees without affording them even the opportunity to factor it into their planning. This seems to me unreasonable and unfair.

Being a federal employee, I naturally am most concerned with the measure's effect on me and my colleagues, men and women from across the nation who in good faith and trust placed their welfare in the hands of the U.S. Government—not only for the duration of their career, but for their retirement years as well. I am also thinking of several million police, firemen, teachers and other state and municipal government workers who are equally prejudiced by this aspect of tax reform.

Mr. Speaker, there are FBI agents who decided to stay through the end of the year before retiring because they were working on a case. And they wake up one day and find out that their good-will effort to stay and provide that service to solve a law-enforcement problem has been rewarded by, quite frankly, a kick in the teeth.

Mr. Speaker, that is something that we can correct. This is an issue that this Congress felt strongly about. This was the one issue that brought about the defeat of the rule the first time the House considered the tax reform issue, and I think quite frankly that it is an issue, as Members talk to their constituents, that again could do the same thing.

Let me read the next letter. It says:

DEAR CONGRESSMAN:

* * * I could have retired June 30 but the situation in my office was such that if I had retired I would have contributed to an already existing problem. We had an employee recovering from surgery and two in the process of leaving the government because they were disenchanted with the system. So, I chose to remain and get penalized for being sensitive of the needs of the office.

I strongly feel that the effective date for taxing the annuity should be changed or there should be a grandfather clause for those who are already eligible.

Mr. Speaker, here is an individual who stayed simply because he was dedicated to his job, and the office was having a difficult time so he decided to stay, and as a result of staying, he is penalized.

□ 1225

Let me remind my colleagues that the Navy captain who goes out to sea and spends 6 months at a time on a nuclear submarine and has, sometimes, one of the highest rates of family problems because of absence from the family, is a Federal employee.

The polls are showing that the No. 1 concern in the country is drugs. A drug enforcement agent faces a dangerous job and recently we have had one who was killed, and another who almost died. These drug enforcement agents who are working to keep drugs out of our schools are Federal employees.

I think we should understand that. These are the people who are being hurt by this tax change provision.

The FBI agent is another example. For anyone in this Chamber, any Member of Congress whose loved one was kidnaped or had a similar problem, the first agency that you would call would be the FBI. They are Federal employees. These are the people that have been hit by this tax change provision.

Another example is the cancer researchers at the National Institutes of Health working to find a cancer cure. Who does not have a loved one who has been impacted by cancer? Both my mom and dad died of cancer. That Federal employee who is working at NIH who could probably go out and work in private industry, with a drug company or similar business; they are the ones who are being hit by the change in the 3-year basis recovery rule.

Of course, we all remember the day when there was the attempted assassination by John Hinckley on President Reagan. The Secret Service agent, Timothy McCarthy, who stopped the bullet that would have killed the President of the United States, is a Federal employee and will be hindered and hurt by this provision.

Why did the conference agree to do something like this? Why did they not instead say, in the future we will give these people an opportunity to change? But they did not do it. They made this provision retroactive.

Let me read another letter. "Millions of us government workers have served loyally," as I said, these many groups that I have mentioned, "and worked very hard over the years. We planned our retirement based on the rules laid down when we first joined."

Is that not the fair way? You look at the laws, you look at the rules, you see what it is and you abide by them.

It's grossly unfair if Congress goes along with the sneaky way in which the tax reform committee imposed the retroactive tax-free period to July 1, making in impossible for us to have a choice. The only fair way is to make the effective date in the future, so that we can decide for ourselves.

I think that makes all the sense in the world.

Let me read another letter.

Dear Sir: This is to register my personal protest regarding the abrupt change in the tax treatment of retirement annuities for Federal, State and municipal employees throughout the United States.

Let the Congress know, the Senate and the House, we are not just talking about Federal employees. We are talking about policemen. We are talking about every teacher in every State, but I think for two. We are talking about all the rescue squad people with the fire departments. We are talking about State and local government people. We are talking about 20 million people who have been negatively impacted.

To say that this is a betrayal of public trust is understating the case—it seems to me that the people on whom this provision will most severely impact are those who are among the most dedicated, hardworking and relatively lowest paid in our society, i.e., policemen, firemen, teachers, and Federal, State, and municipal employees.

The retroactive nature of this change only compounds the unjust nature of the provision, making it discriminatory as well as unfair. This seems to be the only provision in the new Tax Code which the committee has seen fit to predate. It quite literally pulls the carpet out from under thousands of people who are faced with imminent re-

tirement, and who have laid plans far in advance taking into consideration the recovery period for their annuities.

I want to mention also the number of congressional employees which this tax change hits. One congressional employee made the comment:

You know, I decided to stay with my Member through the end of this year because I felt a commitment. The Member had been good to me, and I was loyal to the Member. I felt that I had an obligation with elections coming up and with the end of the year and the turmoil that we go through with continuing resolutions and things like this, that I would show my loyalty, although I had read in the paper that the House provision went to July 1. I never in all my years of working on Capitol Hill thought that this Congress, and this House, would ever do this. So I stayed. I stayed to be with my Member until the end of the year. As a result of providing that loyalty and staying with the Member of Congress with whom I had served all these years, I then wake up one day and find out that this provision is retroactive and will cost me thousands of dollars.

Let me read the next letter:

DEAR MR. WOLF: As a U.S. Federal employee in the Senior Executive Service, I would like to express my utter chagrin over the congressional proposal to change the rules on retirement annuity taxation retroactively. I was eligible to retire prior to 1 July 1986; however, I elected not to retire based on long-term projects and other important assignments with which I am involved.

Again, another person staying to help the citizens of this country, and as a result of staying, the person is injured.

Although I am aware that the annuity taxation provisions would undoubtedly change under the tax reform, I never envisioned for a moment that they would be made retroactively. This sort of disregard for the welfare of the Federal employee is not only hurtful to me personally, but is further proof to all current and potential employees that Congress holds their concerns and well-being as inconsequential.

I say to the Members, "Let us demonstrate our sense of fairness by changing this provision." I would say to the members of the conference and Mr. PACKWOOD and Mr. ROSTENKOWSKI, two decent and fair individuals, "Let us change this provision. Let us send the message to public employees around the country that we understand. Let us send the message that we care by changing this. We can."

Let me read another letter sent to a member of the tax conference committee:

For Congress to change retirement benefits without allowing one the opportunity to retire under what he thought were his terms of employment is simply dishonest!

Many Federal employees left before July 1 because they said, "I am not going to risk it."

Those who stayed because they were willing to trust their Government are the ones who were hurt the most.

Further, are those who retired on June 30, 1986 (many presumably because they felt Congress was not to be trusted) any more deserving of their full benefits than the others eligible who delayed for various reasons? Surely those eligible to retire should be given the opportunity to do so under the regulations they had planned under during their careers. For us the approximate $15,000 that we will no longer have in a 1987 retirement year in real terms means our daughter's college tuition, which we cannot provide out of a reduced retirement salary.

□ 1235

This tax change will negatively impact on their ability to pay for their daughter's tuition.

Reading the next letter:

My husband and I are long-time government employees who plan to retire on January 2, 1987. We had made our financial plans years ago, including most particularly the first 18 months of retirement. In that time we plan to move to another house, set up our estates (small as they are), and secure our financial future. Suddenly everything has changed with the surprise reconciliation of the Senate-House tax reform bills to include taxing government retirees as of July 1, 1986.

Again, this was a conference report that was agreed to in August; about August 16, and they will be taxed as of July 1.

Please consider this request, as we are typical of so many thousands of people who are ready to retire and have made numerous plans that will surely go awry.

Our Treasury Department has a brochure out, Mr. Speaker, which urges Federal employees to buy savings bonds, telling them they can cash their savings bonds in on those first 18 months to 2 years when they retire, and they will be in a lower tax bracket.

All of the people that purchased those savings bonds over the years have now found out that that was all to no avail.

Reading a portion of the next letter:

If we concede, which I do not, that repealing the 3-year recovery period is fair treatment, how can it be fair to make the repeal retroactive to last July? To the best of my knowledge, this was the only provision involving personal income taxes that was made retroactive. Why? By that action, the Conference Committee clearly reduced my salary over the past 23 years by over $55,000. Many Federal retirees will not live long enough to collect the money they paid taxes on and contributed to their retirement fund. Please tell me how that is fair.

Well, obviously, the answer is it is not fair. This conference agreement on the 3-year basis recovery rule is not fair. This conference agreement, I think, will be haunted if this provision is not changed by the fact that this will do more to destroy faith and confidence in the people's government than probably any other action that has been taken by Government in a long, long time.

Let me read a couple more letters:

DEAR CONGRESSMAN WOLF: The House version would implement the proposed change retroactive to July 1, 1986. That is gross and may well be unconstitutional. The Senate verison is much better by providing a transition period up to January 1, 1988.

Well, we know that the House prevailed and the House Ways and Means Committee position prevailed, and the Senate did not. The Senate provision would have made this date effective in January of next year, so that if it were done, and it is not a good idea to do this; but if it were done, what it would mean is any Federal employee or policeman or fireman, rescue squad person, teacher, would have had the opportunity to say, "OK, I think I will retire in order not to be covered by this provision." But when this was done on a retroactive basis, that opportunity was not available.

Another alternative, which would be fairer, would be to include some sort of grandfather provision, e.g., for those who have or will reach either or both the age or years of service requirements for retirement eligibility prior to the implementation date. This would remove tax considerations from the retirement decisions of the older, qualified employees.

We are talking, too, Mr. Speaker, about older Americans; people that have made these decisions over many years. We talk so much in this body about protecting older Americans and yet on the one hand we giveth and the other fist we taketh.

Reading another letter:

DEAR CONGRESSMAN WOLF: This year I completed 37 years of service as a Federal employee and also reached my 55th birthday.

Many of these people are veterans, too. Some from World War II, and veterans of the Korean war. So these are people who were veterans, who came in because of the opportunity to work for their Government and serve their country, and then at the end of their service, get a raw deal.

I think in debating this issue, we need to be mindful of the people we are talking about. Many, many are veterans who have given their best years. Some at Omaha Beach and Pork Chop Hill, and are ending their careers with the Federal service.

For years now, I have planned on retiring at the end of this year with a tax-free arrangment—

Not tax-free; they already paid taxes, so we do not misunderstand this gentleman's letter. They have paid taxes on this money, and the money that they have paid taxes on, as it comes out, is tax free because they have already paid taxes on it—

until I recover my investment in the retirement fund. What a blow to have the Tax Reform Act provision retroactively applied to my annuity. The idea that we were given an opportunity to retire prior to June 30 to escape the possibility of the bill being made retroactive is absurd.

. . . . . .

I favor a balanced budget and fiscal restraint but not at the expense of the federal employees—

And policemen and firemen and teachers—

who are eligible for retirement and who would now be subject to the only ex post facto provision of the proposed law. The Conference Committee did a commendable job of eliminating many tax loopholes while still providing protection for their pets. The fairness doctrine should prevail to the extent that federal employees would not be subject to a provision effective last June 30th when the legislation is yet not passed and unsigned. All other provisions of the Act are prospective or better yet being phased in over several years. It is simply not fair to try to balance the budget on the backs of the federal, state and local employee.

Mr. Speaker, I will read this last letter:

DEAR CONGRESSMAN WOLF: I have been a loyal, faithful and productive Federal Government worker for 26 years. I have been disappointed and annoyed by the repeated attempts of the administration to chip away at the retirement benefits of Federal workers. I couldn't believe the joint House and Senate conference committee decided to remove, retroactive to 1 July 1986, the tax-free period on retirement income until a retiree recoups the amount of money the retiree paid into retirement and on which he/she has already paid taxes. I feel it is totally unfair and unjust to eliminate this or any other benefit an employee has understood would be part of his retirement program. The Federal Government has a moral and legal obligation to maintain its commitments to its employees. If the Federal Government wants to make the above change, in order to be fair and just, it should be made for any new employees after a stated future date, and thus, not break a commitment it has with actively employed workers who have understood they would have the above tax-free period.

Mr. Speaker, these are all the letters I will read today. I know a lot of Members are still in their districts, so we may do this again to get this point across. I would ask my colleagues that are listening, particularly those members of the distinguished Committee on Ways and Means, Chairman ROSTENKOWSKI and the others, who have worked so hard and clearly they have worked hard to bring about a tax reform bill.

□ 1245

But I would ask them to factor into their deliberations now that they are back, a sense of fairness, a sense of equity, a sense of justice to do the right thing. I would ask them to change this provision. There are several compromises floating around and I would ask the chairman to take one of these and to adopt it whereby this provision will not be retroactive, to protect those people who stayed. Let us remember the individuals who stayed because their office was in dire straits; the people working at the FBI on a top investigation and did not want to leave. Also, the people at NASA who just did not want to leave until the end of the year because with the Rogers Commission they knew that NASA was undergoing great turmoil, and they decided to stay to help ease into this situation before they left. Many of those were the best and the brightest who came on when President Kennedy said that we could put a man on the Moon. They believed that, as all of us believed that. We watched them do the job that they did putting the men on the Moon, and they have stayed because of the *Challenger* shuttle accident, in order to take care of the transition and to keep that place going.

We have an obligation to the Drug Enforcement agents who are just so fed up with seeing drugs coming in from Bolivia, Colombia, Mexico, and other places who are risking their lives in order to stay but just did not want to bail out, did not want history to show that when the going was tough they were going to leave. So they stayed for those extra several months.

Also, for the many employees on Capitol Hill who are loyal—and you know, my colleagues who are listening, having been a former congressional staffer for Congressman "Pete" Biester from Pennsylvania, a Member who was here back in the sixties and early seventies. And I indirectly worked in a different capacity for another Congressman, Congressman John Kyl, from the great State of Iowa, and then was the Deputy Assistant Secretary under Rogers Morton, who was a Member's Member from the Eastern Shore of Maryland; you know how hard many of your employees have worked. You know they have put your best interests in front, many times in front of theirs. You know and the people in this country should know the hours that these staff people work. We have some of the best people in the Government, some of the best people in the country who are working on Capitol Hill that work in this body, and they have stayed on because they have a commitment, a dedication, in a sense. A lot of people do not come to work for the Government for the money; they come because of a sense of involvement, spirit of cooperation, the opportunity to be involved in something bigger and better.

As I made the comment earlier, many of the people in the Space Program could have left the Space Program and gone with private industry; but they decided to stay because the mission was more important. They were involved in something really significant, and they wanted to be part of it. That is what attracts people to the Government. That is what attracts an honors graduate from Georgetown Law School to come into the Government rather than going with one of the big Wall Street companies, those who represent Fortune 500 companies; he would rather be there at the Justice Department stopping organized crime or fighting drugs. So there has been an incentive. We know many of the people who came up here on Capitol Hill to work for us, we know their dedication.

We also know, Mr. Speaker, that many of those people have been hurt.

I would ask that when the Congress has an opportunity, and I plan on doing everything that I can certainly on my side of the aisle with the Republican Members. When we had a chance to vote on a bill, the Republican substitute that we had, we took care of this provision. But I would say that this is not a partisan issue, and I do not want to make it a partisan issue. This should be an American issue, a joint issue, so that we get together on a bipartisan basis, Republicans and Democrats working together to do what is right, to do what is just, to bring equity, to reform and modify and change and make this conference report a conference report the people can be proud of.

Right now there are flaws, and this is one of the major flaws.

So I would ask my colleagues to join us in this effort. I would hope, and I believe it is possible, that the chairman of the Committee on Ways and Means and the chairman of the Senate Finance Committee would do what is right without any prodding, and I think they will. I think there is an opportunity, frankly, that they will take this and look at this now that they have had the opportunity to talk to many people and make the change, make the change to perfect and to change and modify and protect these people.

So I would ask my colleagues to join with us to see what we can do to bring fairness to this issue for the dedicated Federal employees, State employees, county employees, city employees, firemen, teachers, and policemen throughout this country, many of whom did not work for the high salary but worked for the highest purpose and the best cause, and that was to make their country and their community better.

Mr. Speaker, I again thank you for this time.

SAM MUCHNICK

Mr. PRICE. Mr. Speaker, I would like to share with my colleagues an article about an outstanding American and my closest friend, Mr. Sam Muchnick.

Sam, at 80, is the oldest baseball writer in Cardinal Country. He has been actively engaged in writing about and promoting sports for 60 years. He is one of the most respected persons in the sports community. In the later phase of his career he became world renowned as a wrestling promoter. Besides his direct contributions to the enjoyment of so

many sports enthusiasts, he is admired as an outstanding patriot and a loving and devoted father.

Bob Broeg, in the August 15 Redbird Review, wrote an excellent summary of Sam's fascinating career, a labor of love that will hopefully continue for many years to come. I am including this article at the close of my remarks for all of my colleagues to read and enjoy:

MUCHNICK—RETIRED WRESTLING PROMOTER RECALLS BASEBALL DAYS

(By Bob Broeg)

When the ball was taking its worst bounce to the ounce for the Cardinals in late May, a jelly-bellied former sports writer winced as a fly ball fell unmolested in the outfield, an Alphonse-and-Gaston act, that led to a gift two-base hit and served as a springboard for a Cincinnati victory over Danny Cox.

Sam Muchnick, at 80 the oldest living ex-baseball writer in town, shook his head in disappointment, then smiled wryly.

"If," he said, "that had happened in the heyday of Burleigh Grimes, Jesse Haines, Lefty Grove and Wes Ferrell, my, the home clubhouse would look as if a tornado had hit it."

Muchnick was remembering rednecked pitching competitors from his day, which, though he spent only several years in sports writing, left him with an elephantine memory. It left him, also, a heckuva lot richer than sports writers, because when the St. Louis Times folded in 1932 he turned to a more lucrative field.

Sam became, first, press agent for Tom Packs, a local wrestling promoter with national clout.

Ultimately, after serving three years in the militiary with longtime Cardinal captain Terry Moore in the Panama Canal zone, Muchnick became a promoter himself in 1945.

The next 35 years, most of them as president of the National Wrestling Alliance, he gained a name and a most comfortable fortune as St. Louis' No. 1 wrestling and boxing entrepreneur.

"Let's talk baseball," said Sam the Round-Bellied Man, a jovial person whose close friends range from jockeys to giants, hoodlums to judges. "Even though I agree to hype wrestling to survive, it has become an unbelievable hippodrome now."

Muchnick talks like an old newspaperman, which he became at a financial sacrifice, when he evaluated professions.

"I put medicine first," he said, only partly in pride because one of this three children is a doctor," but I list journalism second because the press keeps a close check on politicians and the country's conscience."

Of personal friends, Sam's closest is a political figure who became virtually a statesman, Illinois' Mel Price, elected out of the Army into Congress in 1944. Until the death of Leo Ward, longtime traveling secretary of the Cardinals, some of us liked to lump Muchnick, Ward and Price as the "unholy three."

For no good reason, either, Muchnick liked to tease Ward as the Cardinal's "second-greatest traveling sec," a tribute to the long Redbird road secretary, Clarence Lloyd, who was succeeded in 1938 by ex-left-handed plumber, Ward.

Lloyd helped nursemaid Muchnick when Sam began traveling for the Times with the Cards in 1929. A Central High School (St. Louis) graduate, raised above a tailor's shop in a rough-and-tough neighborhood at 14th and Franklin, now Dr. Martin Luther King Jr. Drive, Muchnick was making $1,800 as a postal clerk. Then in 1925, he finished second in the St. Louis Post-Dispatch annual Babe Ruth contest, a successful national syndicated gimmick.

Failing to win only because he had the New York Giants' Frank Frisch at third base rather than Ruth's darkhorse choice, Ozzie Bluege of Washington, Sam was asked to write a brief bit for the Post-Dispatch about the Cardinals' needs in 1926.

"I wrote that they needed an outfielder and a pitcher and I was right," said a smiling Muchnick, proudly, aware that the mid-season acquisitions of rightfielder Billy Southworth and pitcher Grover Cleveland Alexander helped bring the Redbirds' first pennant and world championship.

Impressed, yet with no job opening, Post sports editor John Edward Wray recommended Muchnick to the Times' sports boss, Sid Keener.

A twinkling-eyed Muchnick recalled, "I went into the newspaper game for only $1,200 a year, but I loved every minute of it."

He loved, for instance, participating with clubowner Sam Breadon, team physician Dr. Robert F. Hyland and St. Louis Zoo director George Vierheller in the "12 o'clock infield," between morning-and-afternoon workouts at camp in Avon Park and then Bradenton, Fla.

Muchnick loved, in addition, the three-year regular traveling beat in which the Cardinals won two pennants and a world championship.

"Maybe only the '42 team, winning 43 of its last 52 games, finished better than Gabby Street's team that won 39 out of 49 in 1930," Muchnick recalled. "We were 10 games out in mid-August and in fourth place, yet still won."

In a high-scoring era, one in which the '30 Redbirds scored a still-existing record of 1,006 runs, Muchnick remembered the pivotal rare pitching battle at Brooklyn in late September.

"Bill Hallahan beat Dazzy Vance in 10 innings, 1-0," he said, his smile widening. "That's when Flint Rhem told the tallest white lie ever. He said he had been kidnapped the night before the game he was scheduled to start and forced to drink cups of raw whiskey."

Muchnick had an inferential hand in the 1930 victory. He needled owner Breadon into getting a fourth starting pitcher, singling out veteran Grimes with the Boston Braves. He repeated the appeal in a Philadelphia hotel room, where Breadon served Prohibition drinks to traveling St. Louis writers. The owner excused himself, walked into another room of his suite, then returned.

"All right, Sammy," he said, "you've got your wish. I've traded Fred Frankhouse and Bill Sherdel to Boston for Grimes."

Grimes' salary of $17,000 was high for those days.

Excitedly, Muchnick bet Breadon $100 to $10 that the Cardinals would win the pennant. Later he collected from the smiling automobile dealer who combined with general manager Branch Rickey for most of the era, 1926-46, that produced nine pennants and six world championships.

"At the time, though," said Muchnick, chuckling, "we left Mr. Breadon staring at empty glasses because all of us in the press—St. Louis had four daily newspapers then—raced to our typewriters or telephones."

More seriously, Muchnick remembered, "Frankhouse was one of my best friends on the ballclub, yet I had to break the bad news to him and my part in it. Now, the club would tell the player first."

Times were different then and travel, too.

"We traveled by sooty trains with no air conditioning," Muchnick said, "and we grabbed taxi cabs at hotels and from the ballpark, harum-scarum, because there were no team buses. First time Pepper Martin jumped into a cab with me, he wanted to get out. We were strangers and he thought he was in the wrong cab."

Muchnick, a widower, had a happy fling before he was married as both the pet of veteran writers and of players, too, even though he could get on his muscle now and then. Like the time, Frisch, a personal favorite of Muchnick's, ribbed in a hotel lobby that sports writers didn't know a thing about baseball.

"Yeah, you blankety-blank, switch-hitting so-and-so," said Sam, using unexpected four-letter vulgarities, "but we know when to cover second base."

This was a jab at Frisch for a mental boo-boo that day—and, suddenly, seeing a woman just beyond the ballplayer, Muchnick amended his statement: "Pardon me, Mrs. Grimes"—an apology to the pitcher's wife.

Thereafter, until recently when longtime clubhouse manager Morris "Butch" Yatkeman retired, we would pick up the expression carried on by writers like J. Roy Stockton, Martin J. Haley and Red Smith, who, with secretary Lloyd, had heard Sam's explosion and redfaced apology.

Whenever someone spewed profanities, one or the other would comment, "Pardon me, Mrs. Grimes," long after Burleigh and his missus were gone from the club. Long after, for that matter, listeners wondered who 'n hell Mrs. Grimes was.

Muchnick, himself a practical joker, can take a rib as well as perform one.

"That's nothing," he said, "compared with the time I dressed up like a cowboy, walked into Breadon's suite in Florida, pulled a toy gun and yelled, 'Stick 'em up, you unmentionables,' unaware that Mrs. Breadon and another lady sat around a corner in the room."

Rachel Breadon, an understanding and attractive woman, put the flustered young reporter at ease.

Some of us, like Leo Ward and me, to name two, liked to josh with Muchnick if only to see his department-store Santa Claus belly jiggle with amused joy. For instance, about the time Muchnick drove to Florida with Ward for spring training. They were lost in a fog when Leo asked Sam to figure out what a barely visible sign said at roadside.

Muchnick squinted, then said triumphantly, "Litter barrel . . . Litter Barrel, Georgia!"

See how it is when you write about a guy who wound up totaling the pitchers' expected victories in 1931 and got almost as many as the old 145-game schedule. Still, Sam was ALMOST right. The Redbirds won 101.

I've always teased the old baseball writer the most, because he turned down a chance to play left field for the Cardinals in a 1929 exhibition game at Baltimore, then a minor-league city, at a time Pennsylvania's archaic blue laws permitted no Sunday games.

"I was flattered," said Muchnick, aware that manager Southworth wanted to rest regulars, "but I didn't want to tell him that

I had a date to drink home brew with Pop Haines and Hal Haid.

"We left home that trip in first place, lost 10 in a row, then won at Philadelphia by the National League's record score, 28-6, so I learned early not to quit on a club. Learned it as far back as 1918 when I saw my first big-league game. So, don't quit on these guys now. I won't."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONKER, for 60 minutes, on September 10.

Mr. BONKER, for 60 minutes, on September 11.

Mr. STRATTON, for 60 minutes, on September 16.

Mr. HOYER, for 40 minutes, on September 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mrs. ROUKEMA.

Mr. CONTE.

Mr. BEREUTER.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. MURTHA.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DE LA GARZA in 10 instances.

Mr. FLORIO in two instances.

Mr. VENTO.

Mr. KASTENMEIER.

Mr. SOLARZ.

Mr. BENNETT.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1047. An act to reform the laws relating to former Presidents; to the Committees on Post Office and Civil Service and the Judiciary.

S. 1917. An act to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes; to the Committee on Foreign Affairs.

S. 2462. An act to provide for the awarding of a special gold medal to Aaron Copland; to the Committee on Banking, Finance and Urban Affairs.

S. 2496. An act to authorize the President to award congressional gold medals to Doctors Andrei Sakharov and Yelena Bonner for the great personal sacrifice they have made to further the causes of human rights and world peace; to the Committee on Banking, Finance and Urban Affairs.

S. 2585. An act to authorize the President of the United States to award a congressional gold medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal; to the Committee on Banking, Finance and Urban Affairs.

S. 2703. An act to amend the Federal Aviation Act of 1958 to provide that prohibitions of discrimination against handicapped individuals shall apply to air carriers; to the Committee on Public Works and Transportation.

S. 2759. An act relating to telephone services for Senators; to the Committee on House Administration.

S.J. Res. 190. Joint resolution to establish greater productivity in Federal Government operations as a national goal of the United States; to the Committee on Government Operations.

S.J. Res. 269. Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. 1260. An act for the relief of Joe Herring;

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, and for other purposes;

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station;

H.R. 3554. An act to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and for other purposes;

H.R. 4331. An act to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development;

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas;

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes;

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

H.R. 5395. An act to increase the statutory limit on the public debt; and

H.J. Res. 713. Joint resolution making a repayable advance to the hazardous substance response trust fund.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 410. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolution of the House of the following titles:

On August 20, 1986:

H.R. 1260. An act for the relief of Joe Herring;

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, and for other purposes;

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station;

H.R. 3132. An act to amend chapter 44, to title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes;

H.R. 3554. An act to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Hayooskin Band of Snake Indians, and for other purposes;

H.R. 4331. An act to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development;

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1983;

H.R. 5395. An act to increase the statutory limit on the public debt; and

H.J. Res. 713. Joint resolution making a repayable advance to the hazardous, substance response trust fund.

On August 21, 1986:

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas, and

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 9, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of Aug. 15, 1986]

4086. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Turkey for defense articles and services estimated to cost $44 million (transmittal No. 86-50), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

[Submitted Sept. 8, 1986]

4087. A letter the Director, Congressional Budget Office and the Director, Office of Management and Budget, transmitting estimates of budget base levels of total revenes and outlays, pursuant to 2 U.S.C. 922; to the Committee on Deficit Reduction.

4088. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to consolidate and expand the statutory authority for the National Agricultural Library in the Department of Agriculture; to the Committee on Agriculture.

4089. A letter from the Assistant Secretary (Financial Management), Department of the Air Force, transmitting a draft of proposed legislation to authorize recoupment of stipends paid to Armed Forces Health Professions Scholarship Program recipients who fail to complete required active duty; to the Committee on Armed Services.

4090. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the National Advisory Council on international monetary and financial policies, pursuant to 22 U.S.C. 284b, 285(b), 286b(b)(5), (6), 286b-1, 290i-3; to the Committee on Banking, Finance and Urban Affairs.

4091. A letter from the general counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act; to the Committee on Banking, Finance and Urban Affairs.

4092. A letter from the auditor, District of Columbia, transmitting a report entitled "Review of Overpayments From the Unemployment Compensation Trust Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4093. A letter from the auditor, District of Columbia, transmitting a report entitled "Auditor's Oversight Role Relative to Mayor's Memorandum 76-108," pursuant to D.C. Code section 47-117(d); to the Committee on District of Columbia.

4094. A letter from the Assistant Attorney General, Civil Rights Division, transmitting a report on the activities of the Interagency Coordinating Council, pursuant to Public Law 93-112, section 507 (92 Stat. 2983); to the Committee on Education and Labor.

4095. A letter from the Acting Director, Office of Dependents' Schools, transmitting a report on the annual assessment of the defense dependents' educational system, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4096. A letter from the Secretary of Education, transmitting a copy of the final regulations for the Graduate Academic Facilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4097. A letter from the Secretary of Energy, transmitting the annual report on energy conservation and solar energy in Federal buildings, pursuant to 42 U.S.C. 8260; to the Committee on Energy and Commerce.

4098. A letter from the Secretary of Energy, transmitting the quarterly report for the period March 1 through June 30, 1986, on activities undertaken with respect to the strategic petroleum reserve, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

4099. A letter from the Secretary of Health and Human Services, transmitting a report on prevention activities in the areas of alcoholism and drug abuse, pursuant to 42 U.S.C. 290aa(e)(2); to the Committee on Energy and Commerce.

4100. A letter from the Chairman, Securities and Exchange Commission, transmitting the 15th Annual Report of the Securities Investor Protection Corporation, pursuant to Public Law 91-598, section 7(c)(2); to the Committee on Energy and Commerce.

4101. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's intent to issue letter(s) of offer for certain defense articles and services to the Federal Republic of Germany (transmittal No. 86-52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4102. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue letter(s) of offer to Australia to sell certain defense articles or services (transmittal No. 86-57), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4103. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue letter(s) of offer to the United Kingdom to sell certain defense articles or services (transmittal No. 86-55), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4104. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's intent to issue letter(s) of offer to the United Arab Emirates to sell certain defense articles or services (transmittal No. 86-56), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4105. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's intent to issue letter(s) of offer to Japan to sell certain defense articles or services (transmittal No. 86-53), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4106. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to issue a commercial export license for the sale of 60 M-113A2 armored personnel carriers to the Government of Norway, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4107. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to issue a commercial export license for the sale of five AN/TPQ-36 Firefinder weapon locating radars to the Government of Greece, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4108. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to issue a commercial export license for the sale of two C-130H aircraft and related spare parts to the Government of Canada, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4109. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to approve a commercial manufacturing licensing agreement for the production in Switzerland of gas-activated gyroscope for the Tow 2 missile, pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4110. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to approve a manufacturing licensing agreement for the production in Japan of 155-millimeter M-483A1 and 8-inch M-509A1 high explosive projectiles for the Japanese Army, pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4111. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the President's determination and justification for the request for appropriations to meet unexpected urgent refugee and migration; needs, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

4112. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a proposed memorandum of understanding with the Government of Great Britain for the production of an antisubmarine sea mine, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4113. A letter from the Acting Secretary of State, transmitting a report on Soviet and Communist disinformation and press manipulation with respect to the United States, pursuant to Public Law 99-93, section 147 (99 Stat. 426); to the Committee on Foreign Affairs.

4114. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on

the political contribution by James D. Phillips, of Kansas, as Ambassador to the Republic of Peru, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4115. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the Unted States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4116. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4117. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report on gifts by the U.S. Government to foreign individuals, pursuant to 22 U.S.C. 2694(2); to the Committee on Foreign Affairs.

4118. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4119. A letter from the Administrator, Veterans' Administration, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4120. A letter from the Administrator, Veterans' Administration, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4121. A letter from the Assistant Attorney General for Administration, transmitting notification of a proposed alteration of a Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4122. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

4123. A letter from the Director, Office of Information Resources Management, Department of the Interior, transmitting notification of a proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4124. A letter from the Director, NOAA Corps, Department of Commerce, transmitting a copy of the 1985 NOAA Corps pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4125. A letter from the Director of Administration, National Labor Relations Board, transmitting notice of a proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4126. A letter from the Assistant Administrator for Administration and Resources Management, U.S. Environmental Protection Agency, transmitting notice of a deletion of a Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4127. A letter from the general counsel and congressional liaison, U.S. Information Agency, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4128. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4129. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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4133. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4134. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4135. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on suspension of the deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

4136. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a report on the admission of aliens who were affiliated with certain subversive organizations and who have established opposition to such subversion, pursuant to 8 U.S.C. 1182(a)(28)(i); to the Committee on the Judiciary.

4137. A letter from the national commander, American Ex-Prisoners of War, transmitting the 1985 report and financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103; to the Committee on the Judiciary.

4138. A letter from the executive director, Reserve Officers Association, transmitting the association's annual report and financial audit for the period ending March 31, 1986, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

4139. A letter from the chief judge, U.S. Court of Appeals, Ninth Circuit, transmitting the Third Biennial Report of the Judicial Council and the Court of Appeals of the Ninth Circuit in the implementation of section 6 of the Omnibus Judgeship Act of 1978; to the Committee on the Judiciary.

4140. A letter from the Secretaries of the Interior and Commerce, transmitting emergency striped bass research studies, pursuant to 16 U.S.C. 757g(b); to the Committee on Merchant Marine and Fisheries.

4141. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide consistent treatment for appeals of denials of within-grade increases, and for other purposes; to the Committee on Post Office and Civil Service.

4142. A letter from the acting special counsel, U.S. Merit Systems Protection Board, transmitting a report on the results of the investigation of allegations of mismanagement and gross waste of funds by the U.S. Geological Survey, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

4143. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report, together with accompanying papers and illustrations, on Cleveland Harbor, OH, pursuant to Public Law 94-587, section 175 (90 Stat. 2937) (H. Doc. No. 99-261); to the Committee on Public Works and Transportation and ordered to be printed.

4144. A letter from the general counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend chapter 3 of title 3, United States Code, to enhance the security of the White House by authorizing the Uniformed Division of the U.S. Secret Service to protect the Treasury Building, annex, and grounds and for other purposes; to the Committee on Public Works and Transportation.

4145. A letter from the Secretary of Energy, transmitting a report on prospects for wind energy applications in foreign countries, pursuant to Public Law 96-345, section 11(5); to the Committee on Science and Technology.

4146. A letter from the Director, National Science Foundation, transmitting a request for an extension of the deadline for the submission of the report on research facility needs of universities, pursuant to 42 U.S.C. 1886; to the Committee on Science and Technology.

4147. A letter from the Executive Secretary of Defense, transmitting a report on Department of Defense procurement from small and other business firms for the period October 1985 through May 1986, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

4148. A letter from the Secretary of Health and Human Services, transmitting the 10th annual report on child and spousal support programs, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

4149. A letter from the Secretary of Health and Human Services, transmitting a report on voluntary foster care placement agreements, pursuant to 42 U.S.C. 672 nt.; to the Committee on Ways and Means.

4150. A letter from the Secretary of Agriculture, transmitting the fourth quarterly global assessment of food production, and the planned programming of food assistance, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

4151. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report on the status of the Alaska Natural Gas Transportation System, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

4152. A letter from the Secretary of Transportation, transmitting notification of the determination that actions had been taken at Manila International Airport to effectively meet or exceed International Civil Organization standards for airport security, and rescinding the August 5, 1986 determination to the contrary, pursuant to 49 U.S.C. app. 1515(e)(3); jointly, to the Committees on Foreign Affairs and Public Works and Transportation.

4153. A letter from the Director, Office of Management and Budget, transmitting his determination and certification that $3,775,692, previously appropriated, is needed to maintain the authorized level of operation of Radio Free Europe/Radio Liberty, Inc. because of fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

4154. A letter from the Comptroller General of the United States, transmitting a report entitled "Telephone Communications: Bypass of the Local Telephone Companies" (GAO/RCED-86-66); jointly, to the Committees on Government Operations and Energy and Commerce.

4155. A letter from the Comptroller General of the United States transmitting an assessment of the Secretary of Commerce's 1986 report on extending foreign policy export controls (GAO/NSIAD-86-172); jointly, to the Committees on Government Operations and Foreign Affairs.

4156. A letter from the Secretary of Health and Human Services, transmitting a report on recruitment and training of Indians for positions subject to Indian preference and including grade levels and occupational classifications of Indian and non-Indian employees in the Indian Health Service, pursuant to 25 U.S.C. 472(d) and 472a(e)(2); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

4157. A letter from the Executive Director, the President's Commission of Executive Exchange, transmitting a draft of proposed legislation to establish the maximum period of time for extensions of service at 365 days for certain participants in executive exchange and fellowship programs; jointly, to the Committee on the Judiciary and Post Office and Civil Service.

SUBSEQUENT ACTION ON A REPORTED BILL

[Omitted from the Record of Aug. 15, 1986]

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2127. The Committee of the Whole House on the State of the Union discharged and referred to the Committee on Education and Labor for a period ending not later than September 19, 1986, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted Sept. 8, 1976]

By Mr. DAUB:

H.R. 5483. A bill to require market loans for wheat, feed grains and soybeans, to the Committee on Agriculture.

By Mr. WRIGHT (for himself, Mr. MICHEL, Mr. RANGEL, Mr. GILMAN, Mr. FOLEY, Mr. LOTT, Mr. GEPHARDT, Mr. LEWIS of California, Ms. OAKAR, Mr. KEMP, Mr. FASCELL, Mr. ROSTENKOWSKI, Mr. JONES of Tennessee, Mr. ST GERMAIN, Mr. RODINO, Mr. HOWARD, Mr. HAWKINS, Mr. ASPIN, Mr. DINGELL, Mr. FORD of Michigan, Mr. BROOKS, Mr. JONES of Oklahoma, Mr. HUGHES, Mr. ENGLISH, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ATKINS, Mr. AUCOIN, Mr. BARNARD, Mr. BENNETT, Mr. BEVILL, Mr. BIAGGI, Mr. BLAZ, Mr. BLILEY, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONKER, Mr. BORSKI, Mr. BOUCHER, Mr. BREAUX, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mrs. BURTON of California, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CARR, Mr. CHAPMAN, Mr. CHAPPELL, Mr. CHENEY, Mr. CLINGER, Mr. COELHO, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. COMBEST, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DAVIS, Mr. DELLUMS, Mr. DERRICK, Mr. DEWINE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EARLY, Mr. ECKERT of New York, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. ERDREICH, Mr. FAZIO, Mr. FEIGHAN, Ms. FIEDLER, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. FRANKLIN, Mr. FROST, Mr. FUQUA, Mr. FUSTER, Mr. GALLO, Mr. GARCIA, Mr. GAYDOS, Mr. GEJDENSON, Mr. GEKAS, Mr. GIBBONS, Mr. GLICKMAN, Mr. GORDON, Mr. GRADISON, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HAMILTON, Mr. HANSEN, Mr. HARTNETT, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HOPKINS, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. KINDNESS, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEATH of Texas, Mr. LEHMAN of California, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOEFFLER, Mr. LUJAN, Mr. LUKEN, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCHUGH, Mr. MCKERNAN, Mr. MCKINNEY, Mr. MACK, Mr. MACKAY, Mr. MANTON, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. MICA, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NELSON of Florida, Mr. NICHOLS, Mr. NOWAK, Mr. OBERSTAR, Mr. OBEY, Mr. OLIN, Mr. ORTIZ, Mr. OWENS, Mr. PACKARD, Mr. PASHAYAN, Mr. PEASE, Mr. PENNY, Mr. PEPPER, Mr. PERKINS, Mr. PRICE, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROSE, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. RUDD, Mr. RUSSO, Mr. SABO, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHULZE, Mr. SEIBERLING, Mr. SHARP, Mr. SHAW, Mr. SHELBY, Mr. SIKORSKI, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mrs. SMITH of Nebraska, Mr. SNYDER, Mr. SOLARZ, Mr. SOLOMON, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STARK, Mr. STOKES, Mr. STRANG, Mr. STRATTON, Mr. STUDDS, Mr. SWEENEY, Mr. SWINDALL, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WALDON, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. FAUNTROY, Mr. BEDELL, and Mr. UDALL):

H.R. 5484. A bill to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Foreign Affairs, Government Operations, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, and Ways and Means.

By Mr. SWEENEY:

H.R. 5485. A bill to amend the Farm Credit Act of 1971 to provide the opportunity for competitive interest rates for the farmers, ranchers, and cooperative borrowers of the Farm Credit System, and for other purposes; to the Committee on Agriculture.

By Mr. TORRICELLI (for himself, Mr. RINALDO, Mr. STARK, Mr. ACKERMAN, Mr. GUARINI, Mr. MITCHELL, Mr. SCHEUER, Mr. MRAZEK, Mr. RODINO, Mr. SMITH of Florida, Mr. BROWN of California, Mr. TOWNS, Mr. HORTON, Mr. GALLO, Mr. LEVINE of California, Mrs. BURTON of California, Mr. RUSSO, Mr. KOLTER, Mrs. BOXER, Mr. RICHARDSON, Mr. TALLON, Mr. FEIGHAN, and Mr. SMITH of New Hampshire):

H.R. 5486. A bill to promote the dissemination of biomedical information through modern methods of science and technology and to prevent the duplication of experiments on live animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BENNETT:

H. Res. 539. Resolution expressing the sense of the Congress that the United States should place greater emphasis on the improvement of the capabilities of U.S. conventional forces, particularly in cooperation with other member nations of North Atlantic Treaty Organization; jointly, to the Committees on Armed Services and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

454. By the SPEAKER: Memorials of the Assembly of the State of New York, relative to funding for the Air Force trainer aircraft, T-46A; to the Committee on Armed Services.

455. Also, memorial of the Senate of the State of Illinois, relative to the Chernobyl accident; to the Committee on Foreign Affairs.

456. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the LTV Corp.; to the Committee on the Judiciary.

457. Also, memorial of the Legislature of the State of California, relative to the national maximum speed limit; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 947: Mr. WALDON.

H.R. 1453: Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. TAUZIN, and Mr. FORD of Tennessee.

H.R. 1917: Mr. WEAVER, Mr. FRANKLIN, Mr. WALDON, Mr. SPENCE, Mr. MONSON, Mr. MURTHA, Mr. PRICE, Mr. LOTT, Mr. NATCHER, Mr. RODINO, Mr. CAMPBELL, Mr. SAVAGE, and Mr. GORDON.

H.R. 2049: Mrs. COLLINS and Mr. HAYES.

H.R. 3024: Mr. LEVIN of Michigan, Mr. RODINO, and Mrs. BYRON.

H.R. 3040: Mr. FAUNTROY.

H.R. 3088: Mr. MURPHY, Mr. CROCKETT, and Mr. TOWNS.

H.R. 3643: Mr. STRANG.

H.R. 4057: Mr. PACKARD.

H.R. 4633: Mrs. BENTLEY, Mr. COELHO, Mr. TOWNS, Mr. NEAL, Mr. FIELDS, and Mrs. LONG.

H.R. 4820: Mr. SHAW, Mr. AKAKA, and Mr. PICKLE.

H.R. 4877: Mr. MITCHELL.

H.R. 4884: Mrs. BYRON, Mr. MCEWEN, Mr. LEWIS of Florida, and Mr. CAMPBELL.

H.R. 4929: Mr. RODINO.

H.R. 5011: Mr. BARNARD.

H.R. 5157: Mr. COBEY.

H.R. 5213: Mr. FISH, Mr. HAYES, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. TOWNS, and Mr. VENTO.

H.R. 5322: Mr. RANGEL, Mr. TOWNS, AND Mr. CROCKETT.

H.J. Res. 244: Mr. GALLO, Mr. TORRICELLI, Mr. DENNY SMITH, AND Mr. HOWARD.

H.J. Res. 552: Mr. BONIOR of Michigan, Mr. HAMILTON, Mr. WEISS, Mr. CAMPBELL, Mr. MACKAY, Mr. LUJAN, Mr. MONTGOMERY, Mr. LAFALCE, Mr. HOPKINS, Mr. MAZZOLI, Mr. QUILLEN, Mr. LIVINGSTON, Mr. STAGGERS, Mr. LOTT, Mr. CHANDLER, Mr. SUNDQUIST, Mr. FRANKLIN, Mr. MCCOLLUM, Mrs. JOHNSON, Mr. EDGAR, SMITH of New Hampshire, Mr. LOWERY of California, Mr. KOLBE, Mr. TAUKE, Mr. WALKER, Mr. ECKERT of New York, Mr. HATCHER, Mr. WHITTEN, Mr. CRAIG, Mr. LEWIS of Florida, Mr. DANNEMEYER, Mr. STRATTON, and Mr. ROBINSON.

H.J. Res. 594: Mr. GEKAS, Mr. DANNEMEYER, Mr. RALPH M. HALL, Mr. COELHO, Mr. DIOGUARDI, Mr. YATRON, Mr. ALEXANDER, Mr. BREAUX, Mr. BOLAND, and Mr. BLILEY.

H.J. Res. 655: Mrs. BENTLEY, Mr. BRUCE, Mrs. BYRON, Mr. CLINGER, Mr. COUGHLIN, Mr. DARDEN, Mr. DIOGUARDI, Mr. EVANS of Illinois, Mr. FOLEY, Mr. GALLO, Mr. GUARINI, Mr. HATCHER, Mr. KOLTER, Mr. LEHMAN of California, Mrs. LONG, Mr. LUJAN, Mr. MACK, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOODY, Mr. MOORHEAD, Mr. MRAZEK, Mr. PASHAYAN, Mr. RICHARDSON, Mr. SUNIA, Mr. TAUKE, and Mr. VANDER JAGT.

H.J. Res. 684: Mr. LEHMAN of Florida, Mr. DURBIN, Mr. SOLOMON, Mr. SAXTON, Mr. TAUKE, Mr. PRICE, Mr. MACK, Mr. ROWLAND of Georgia, Mr. ROBERTS, Mr. ANTHONY, Mr. BLILEY, Mr. BROWN of California, Mr. DYSON, Mr. ERDREICH, Mr. KOLTER, Mr. LEWIS of California, Mr. MCEWEN, Mr. MARTINEZ, Mr. MICA, Mr. MILLER of Ohio, Mr. MONSON, Mr. NATCHER, Mr. NELSON of Florida, Mr. PERKINS, Mr. RICHARDSON, Mr. VALENTINE, Mr. WOLF, Mr. BEVILL, Mr. PURSELL, Mr. AUCOIN, Mr. FASCELL, Mr. DWYER of New Jersey, Mr. NOWAK, Mr. ANDREWS, Mr. LELAND, Mr. ROSE, Mr. KEMP, Mr. COBLE, Mr. GREGG, Mr. MCHUGH, Mr. JONES of North Carolina, Mr. EDGAR, Mr. MOLLOHAN, Mr. SNYDER, Mr. STANGELAND, Mr. COURTER, Mr. ALEXANDER, Mr. BORSKI, Mr. CALLAHAN, Mr. CARNEY, Mr. COELHO, Mr. DOWDY of Mississippi, Mr. HARTNETT, Mr. HEFNER, Mr. LUNGREN, Mr. MAVROULES, Mr. OBERSTAR, Mr. RUDD, Mr. SISISKY, Mr. TOWNS, Mr. WHITLEY, Mr. MOAKLEY, Mr. MCMILLAN, Mr. HUBBARD, Mr. BUSTAMANTE, Mr. DASCHLE, Mr. DICKS, Mr. KOSTMAYER, Mr. LATTA, Mr. MONTGOMERY, Mr. MURPHY, Mr. SKEEN, Mr. TALLON, Mr. BLAZ, Mrs. BYRON, Mr. CHENEY, Mr. DANNEMEYER, Mr. DAVIS, Mr. EVANS of Iowa, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. LANTOS, Mr. LOEFFLER, Mr. LUNDINE, Mr. ORTIZ, Mr. OXLEY, Mr. PETRI, Mr. PORTER, Mr. SABO, Mr. SCHULZE, Mr. SPRATT, Mr. STOKES, Mr. STRATTON, Mr. DORGAN of North Dakota, and Mr. HATCHER.

H.J. Res. 706: Mr. SUNIA, Mr. PERKINS, Mr. SKELTON, Mr. GARCIA, Mr. ROE, Mr. HAYES, Mr. MANTON, Mr. DIXON, Mr. BRYANT, and Mr. STALLINGS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

466. By the SPEAKER: Petition of the Council of the City of New York, NY, relative to resident management of public housing; to the Committee on Banking, Finance and Urban Affairs.

467. Also, petition of the City Council of New York, NY, relative to drug dealers; to the Committee on Banking, Finance and Urban Affairs.

468. Also, petition of the City Council of New York, NY, relative to the promotion of a stable economic mix of families residing in public housing; to the Committee on Banking, Finance and Urban Affairs.

469. Also, petition of the City Commission, Hayes, KS relative to Americans missing in Southeast Asia; to the Committee on Foreign Affairs.

470. Also, petition of the general secretary, Reformed Church in America, New York, NY, relative to budget cuts; to the Committee on Government Operations.

471. Also, petition of the Kenai Peninsula Borough Assembly, Soldotna, AK, relative to amendments to ANCSA; to the Committee on Interior and Insular Affairs.

472. Also, petition of the Governor of the State of California, Sacramento, CA, relative to the national maximum speed limit; to the Committee on Public Works and Transportation.

473. Also, petition of the Oakland City Council, Oakland, CA, relative to health care for veterans; to the Committee on Veterans' Affairs.

474. Also, petition of the stated clerk, Office of the General Assembly, Presbyterian Church (U.S.A.), relative to tax reform; to the Committee on Ways and Means.

SENATE—*Monday, September 18, 1986*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He that dwelleth in the secret place of the most high shall abide under the shadow of the Almighty. I will say of the Lord, He is my refuge, and my fortress, my God: in Him will I trust.—Psalm 91:1-2.

Father in Heaven, we come to You this morning with heavy hearts, smitten by the tragedies in Karachi and Istanbul. Our minds struggle to understand this mindless violence. We commend to Your grace and loving comfort and care the families of those who suffered and died in these tragedies. May they experience Your peace when it seems peace is impossible.

We mourn the loss of Harley M. Dirks and with profound gratitude remember his many years of dedicated service as clerk of the Subcommittee on Labor, Health and Human Services, and Education. Be near to his family and friends in their loss.

Gracious God, encourage Nicholas Daniloff and his loved ones in this hour of uncertainty and frustration. Guide those who are most closely involved in the efforts for his release and grant, dear God, that he may soon be home safely.

Now, Lord, we pray for Your gracious intervention as the Senate enters these final weeks of the 99th Congress. Give to Your servants wisdom and strength for the difficult days ahead. May Thy will be done in the Senate as it is in heaven for Your glory and honor. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, of Kansas, is recognized.

Mr. DOLE. I thank the distinguished Presiding Officer, Senator THURMOND.

SCHEDULE

Mr. DOLE. Mr. President, first, I welcome all my colleagues back after the recess, as well as members of the Senate staff and my own staff.

We do have a rather large number of items to complete, but it is not unprecedented. I hope we can complete our business by October 3.

I will hand to the distinguished minority leader a list of the items I think most Members believe are so-called must items, and I will be discussing that with the minority leader a little later.

So far as today is concerned, under the standing order, the leaders have 10 minutes each. There is a special order in favor of Senator PROXMIRE for not to exceed 5 minutes.

There will be routine morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

Because a large number of Members have not yet returned but are on their way back, we will not have any rollcall votes today. If any rollcall votes are ordered, they will occur on tomorrow. Notwithstanding that, I hope we can dispose of at least one appropriation bill.

I am advised by the distinguished Senator from Idaho [Mr. MCCLURE] that he will be available between 3 and 4 o'clock to bring up the Interior appropriation bill, if that can be cleared on the other side.

I am also advised by Senator WEICKER that he is prepared on Labor-HHS, and we are in the process of seeing if there will be a lot of amendments to those matters.

We do need to start on appropriations bill today and continue on appropriations bills throughout tomorrow.

We will begin the Rehnquist nomination at an early hour on Wednesday or Thursday and conclude action on it by the end of the week. The distinguished chairman of the Judiciary Committee is here, and I hope we can conclude action on the Rehnquist and Scalia nominations by Friday evening. If that should be the case, that would be all we would do this week.

The must items include at least the Superfund conference report, the debt limit conference report. I do not see the conference report on tax reform on this list, but that is a must item. In any event, I will deliver that list to the distinguished minority leader.

NICK DANILOFF MUST BE FREED

DANILOFF'S INDICTMENT OMINOUS DEVELOPMENT

Mr. DOLE. Mr. President, the distinguished minority leader and I are going to make statements on the indictment of Mr. Daniloff, and we will both submit a resolution expressing the sense of outrage of the U.S. Senate.

The announcement yesterday in Moscow that Nick Daniloff, the U.S. News & World Report correspondent illegally detained by the Russians, has been indicted for espionage raises this matter to a new and much more ominous level, both for Daniloff personally and for United States-Soviet relations.

It is high time that the Kremlin understands that this "cruel game" it is playing with an innocent man's life has outraged the American people and Congress, and is endangering constructive relations between our governments, including the upcoming summit. It is high time that Soviet leader Gorbachev wakes up to the stakes now on the table and puts a little sanity back into the Russians' handling of this matter.

DANILOFF MUST BE FREED

Nick Daniloff is innocent—there is not a shred of credible evidence to the contrary. Nick Daniloff's case has absolutely no connection to the case of the Soviet spy recently caught at the United Nations. To equate them is unjustified as to be ludicrous. Nick Daniloff should be freed—immediately and unconditionally. It is as simple as that.

Immediately after Nick Daniloff was detained, I cabled Mr. Gorbachev, urging his immediate release. As we all know, the President has also sent a personal message to Mr. Gorbachev. I know that many other Members of Congress, on both sides of the aisle, have done so, as have journalists and private Americans by the scores, by the hundreds, and by the thousands.

I also sent a telegram to U.S. News executive editor Mort Zuckerman, promising him that the Senate was not going to ignore this important matter.

I ask unanimous consent that the text of both of my telegrams be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

[Telegram]

HIS EXCELLENCY MIKHAIL GORBACHEV,
General Secretary of the Central Committee, Communist Party of the Union of Soviet Socialist Republics, the Kremlin, Moscow.

I am deeply disturbed by the wholly unjustified detention of U.S. News & World Report journalist Nicholas Daniloff by Soviet authorities. I know that many Members of Congress share my concern and will be prepared to act further on this matter should it remain unresolved when Congress reconvenes next week.

In the interest of simple justice and continued constructive relations between our countries, I urge your personal intervention

to bring about the immediate and unconditional release of Mr. Daniloff.

BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

U.S. SENATE,
Washington, DC, September 2, 1986.

Mr. MORTIMER ZUCKERMAN,
Chairman and Editor-in-Chief, U.S. News & World Report, Washington, DC.

DEAR MORT: I share your deep concern over the wholly unjustified detention of Nicholas Daniloff by the Soviet Union.

This morning, I sent a personal message to Soviet General Secretary Gorbachev, urging Daniloff's immediate, unconditional release. Should this situation remain unresolved when Congress reconvenes, I will do everything I can to insure that the Senate immediately expresses its concern over this serious incident.

If there is anything further you feel that I can usefully do to speed Daniloff's release, please let me know.

Sincerely yours,

BOB DOLE,
Majority Leader.

DANILOFF RESOLUTION

Mr. DOLE. Mr. President, the Senate cannot ignore this important issue. We are now circulating a resolution—myself and the distinguished minority leader—expressing what I think will be the unanimous feeling of this body, that Nick Daniloff should be released immediately and unconditionally as a matter of justice and in the interests of workable relations between our country and the U.S.S.R.

I certainly urge all Senators to join in cosponsoring this resolution, so the Kremlin gets the message loud and clear.

I hope that when we introduce the resolution—it is undergoing some revision; it is being worked on by staff on both sides of the aisle—that we could introduce the resolution, have it cleared and then perhaps have a rollcall vote on this rather important resolution by 2 o'clock tomorrow.

But I will not make that request at this time.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). Under the previous order, the minority leader is recognized.

HOSTAGE-TAKING IN MOSCOW

Mr. BYRD. Mr. President, I join with the distinguished majority leader in protesting and condemning the actions by the Soviet Government and I also join with the majority leader in preparation for the joint cosponsorship of the resolution and in urging all Senators to sign that resolution and to support it at the time the vote is taken, hopefully tomorrow at 2 p.m., as the distinguished majority leader has suggested.

Mr. President, Nicholas Daniloff sits in a prison in Moscow at this moment. As we all know, while the Senate was in recess, the Soviet KGB arrested this respected reporter for U.S. News & World Report. While he was exchanging some novels for newspaper clippings with a Soviet contact, eight—E-I-G-H-T—KGB agents pounced on this unsuspecting Moscow correspondent and arrested him for possession of maps stamped "Top Secret." The Soviet regime just yesterday has compounded its error by indicting Mr. Daniloff.

There is little doubt that this was a crude contrived, heavy-handed frameup. As such, the Soviet leadership is engaged in a dangerous, foolish, and miscalculated ploy that could backfire in their faces. It is a game that has only one side, since the United States is not playing that game.

To Americans, human beings are not pawns to be used and abused in power plays between superpowers. We must not be manipulated into exchanging an accused spy for a journalist. We cannot barter an innocent American citizen for a Soviet espionage suspect.

If Daniloff was indeed framed by the KGB, and if he is being detained only to affect the treatment by the United States of a suspected Soviet spy being detained here—as clearly seems to be the case—then he is nothing more or less than a hostage. We are all too familiar with the recently much-employed game of hostage-taking. It is one of the favorite techniques of terrorists. The United States should not be any more willing to negotiate with the Soviets in a hostage crisis than with terrorists in Lebanon for the return of Americans being held there. We must make it clear to the Soviet leaders that the American Government will not accede to extortionist techniques.

If we were to succumb to such techniques, the world will know that any American journalist, or businessman, or any other American citizen for that matter, is fair game for international blackmail. Mr. Daniloff is just a very good, hard-working journalist, nothing more. Everybody knows that. Mr. Gorbachev knows that. Nobody's fooling anybody here. The only answer to the problem is his immediate and unconditional release. No strings. No conditions. No deals.

In the absence of such a satisfactory solution to this outrageous ploy, Soviet-American relations will be badly damaged at a delicate and critical time. It comes at a time when preparations are underway for what could be a summit meeting of historic proportions between the leaders of our two nations. It comes at a time when our two nations should be pursuing constructive approaches in dealing with each other, instead of introducing such potentially destructive events—events certain to cause a negative chain reaction which will badly sour the international atmosphere.

The opportunity to obtain a satisfactory new arms control and reduction agreement between our two nations has been building for some time and, if the opportunity is lost because of these juvenile and misguided antics, it may not come around again for years. This should be very clear. We all know that there are individuals and factions in both American and Soviet governments and societies, some at official levels, who are opposed to any productive summit meeting. There are those who are opposed to any kind of arms control agreement whatsoever. Although these ideologues only represent a small minority, they are capable of substantial mischief. The negative actions they can precipitate, which can easily cause a dangerous chain reaction, must be guarded against and headed off whenever they appear. If the purpose of this action by the Soviet Union was something other than damaging the overall relationship, and even scuttling the summit, that nevertheless, has been and continues to be such an effect.

Some Senators, including the distinguished chairman of the Senate Foreign Relations Committee, have already said that this episode could jeopardize the prospective summit meeting. That is certainly obvious, and the jeopardy will mount each day that Mr. Daniloff remains in a Moscow prison. The interest of improved relations between our two nations, which Mr. Gorbachev continuously publicly professes that he wants, dictates the immediate release of this innocent American.

Mr. President, the continued incarceration of Mr. Daniloff serves as a constant, vivid reminder of the harshness of the political system we are dealing with. It is a system that has astonished the world with its disregard for basic human rights, a system that continues to trample on the lives and freedoms of the people of Afghanistan, that has stamped out the seeds of liberty in Poland, and is now depriving one of our fellow citizens of his liberties—and at the same time showing its utter disdain and its paranoid fear of a free press.

I remind my colleagues and the Soviet leadership that it was the Soviet invasion of Afghanistan that sealed the fate of the SALT II accords in 1979. Is history repeating itself today?

Recent history shows a pattern of Soviet contempt for a free press, and for the Western press. In 1982, the Soviet Government ousted Newsweek reporter Andrew Nagorshi. In 1977, Associated Press reporter George Krimsky was accused of being an intelligence agent and was ordered to leave.

And in that same year, the KGB detained Los Angeles Times reporter Robert Toth for 5 days on bogus charges of having received official state secrets. So, this is just another reminder of the type of system operated by our chief adversary.

When Mr. Gorbachev took power in the Soviet Union, most of the world hailed the arrival of a new era, as he appeared to promise a new openness in relations with the West. Others, however, warned against such optimism, claiming that Mr. Gorbachev constituted nothing more than new wine in the same old bottle. The snatching of Mr. Daniloff is the style of the era of Joseph Stalin, not the style of a media-conscious, PR razzle-dazzle, "new look" Muscovite leadership. Is this Mr. Gorbachev's way of wooing and dazzling the Western press? Is this the way his honeymoon ends?

Whatever ill-considered machinations drove the Soviet leadership to decide to pick on Nicholas Daniloff, a clear gesture on the part of Mr. Gorbachev is what the world is looking for and is what this Senator is looking for. The unconditional release of Mr. Daniloff will certainly help Mr. Gorbachev to live up to his promise of a new openness, and it would help avoid the further deterioration of Soviet-American relations that is already occurring with his continued imprisonment.

It must be clear to those Soviet leaders with any common sense that this incident is not panning out any gold at all for them. I have personally written to the former Soviet Ambassador to the United States, Mr. Anatoly Dobrynin, on this matter and asked him to exercise his substantial influence to bring this poor chapter in the Soviet-American relationship to a swift and satisfactory ending.

Despite the residue the event surely will leave in the minds of freedom-loving people everywhere, the release of Mr. Daniloff could still avert substantial deterioration of Soviet-American relations that is bound to occur if he continues to be unjustly incarcerated. Such a deterioration, assuredly is in the best interests of neither the United States and its allies nor the people of the Soviet Union. I fervently hope that Mr. Daniloff is released immediately.

Mr. President, I yield the floor.

□ 1220

Mr. DOLE addressed the Chair.

THE PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I also have a statement and I think the distinguished minority leader may have a statement on the acts of terrorism.

Mr. BYRD. Yes.

Mr. DOLE. Do you intend to do that now?

Mr. BYRD. Yes, I do have a statement. It would be all right with me if the distinguished majority leader wishes to delay pursuing that until the special order has been taken care of. I do have a statement and I am ready when the majority leader wishes to go forward.

Mr. DOLE. Maybe we could do that when they finish.

Mr. BYRD. That will be all right.

RECOGNITION OF SENATOR PROXMIRE

THE PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

NICHOLAS DANILOFF

Mr. PROXMIRE. Mr. President, I wish to congratulate the majority leader and the minority leader on their excellent, strong statements on the Daniloff case. I certainly support every word they say enthusiastically.

MY DAY AT CRAY

Mr. PROXMIRE. Mr. President, what firm produces the world's fastest computer? Is it Japan? No! Germany? No! America? Yes. Is it located in Silicon Valley, CA? No. The MIT-Harvard technology complex in Massachusetts? No. This company has shot into the high-technology business like a meteor. Where other computer firms are struggling to keep their heads above water, this company is zooming ahead with sales smashing all records. The name is Cray Research. The Japanese have challenged Cray for computer speed supremacy. Cray has consistently won. International Business Machine, the great corporate colossus whose name has become synonomous with high technology has thrown its massive economic power, its great scientific genius into battle with Cray. And who won? Cray!! In Washington, whether it is the mammoth Defense Department, the National Aeronautics and Space Agency, or any other Federal agency that takes pride in its technology, the proudest boast it can make is, "We have a Cray." So where is this remarkable company located? Who are the geniuses behind its success? Where were they educated? Where does the whiz bang work force that produces this magical computer technology come from? Mr. President, this is quite a story. It is an American small town, hard work, take-a-risk, sheer genius story. Cray Research is hundreds of miles removed from the great MIT-Harvard technology complex that has made the State of Massachusetts bloom. It is 2,000 miles away from the famous Silicon Valley technology explosion in California.

So where is Cray Research? It is a little town of 12,270 souls named Chippewa Falls in northwest Wisconsin. It is 87 miles from Minneapolis, 250 miles from Milwaukee. Who are the geniuses that built this remarkable research meteor? One person did it. His name is Seymour Cray. And who is Seymour Cray? Where did he develop this genius? Cray was born in Chippewa Falls. He has lived there most of his life. He was educated in its schools. His father was the Chippewa Falls city engineer. Where did Cray go to hire the brilliant technicians who produce this world's fastest computer? He didn't go anywhere. He hired his neighbors from Chippewa Falls and the towns and villages and farms nearby. Oh, yes he has established an administrative and marketing headquarters in Minneapolis. Cray has sales offices in major American cities, in Japan, and in a number of European countries. But Cray research, Cray engineering, Cray design, Cray fabrication and production is done in that little, remote town in northwestern Wisconsin, Chippewa Falls.

On August 27, this Senator spent the day working as a kind of incompetent apprentice technician at Cray. It was quite an experience. I worked in three different departments. My jobs were simple. They were also repetitive, agonizingly precise and exacting. They involved fabrication and inspection work. The supervisors constantly insisted on a meticulous dedication to making every movement precisely right. They are reminded that every part be exact—meticulously exact. And yet the relation between all the workers was warm, friendly, happy. If something went wrong, everyone seemed to step up to take the blame. Workers made a special effort to help each other. It was astonishing. Here was a company producing one of the most complex pieces of equipment that the marvelous technology of this age can produce in any country, anywhere. Was this work being done by supermen and superwomen? No, it was the accomplishments of ordinary American citizens inspired by a bona fide American genius who grew up among them in a little town that could easily pass for Garrison Keillor's Lake Woebegon. For anyone who has the notion that this country is run by some kind of an exotic elite that hails from one of two or three rare oases of glamour on the east or west coast of the United States or from Japan or the United Kingdom or Germany, consider Cray Research of Chippewa Falls, WI. Glamorous? No. A winner? You betcha!

GOLDEN FLEECE FOR AUGUST

Mr. PROXMIRE. Mr. President, my Golden Fleece Award for August goes to the Food and Nutrition Service [FNS] in the Department of Agriculture for chucking away over $1 million

between 1981 and 1985 by allowing a private company to cover its losses with taxpayers' money intended for children in day-care homes. The FNS fed corporate coffers instead of hungry children. And, adding insult to injury, FNS ignored numerous warnings from departmental auditors that this money was being devoured by the wrong people.

The Federal Government pays the bill when some hungry children are fed. But the FNS contracts with private firms which actually do the work in conformance with Government guidelines which specify how the taxpayers' money should be spent. This fleece proves that this arrangement failed in at least one instance.

Back in 1981, the FNS asked the Agriculture Department's Inspector General to take a look at how this program was working. Auditors found a multitude of problems: The private firm's accounting system was a joke and Federal money was being spent without a paper trail to show who got it and why. These problems were longstanding. An independent CPA firm had found similar problems as far back as 1979. What did the auditors recommend? They thought that FNS should either immediately help the company improve its management or, failing that, terminate the contract. What did the FNS do? They responded in the best bureaucratic fashion by delaying, by temporizing, by passing the buck, and by saying, just watch for improvements in next year's audit.

Meanwhile, the FNS helped the company stay one step ahead of the bailiff by letting the taxpayers' money be used to pay the company's bills. In 1981, auditors found that about $71,000 had been used for this purpose. But by 1985, this sum had grown to a whopping $1.1 million. All this money was to no avail. The company declared bankruptcy in 1985.

Now the taxpayers will be standing in line in bankruptcy court to see if any of their money can be recovered. They stand a slim chance of that ever happening.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until the hour of 1 p.m., with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

TERRORISM

Mr. BYRD. Mr. President, just a few days ago, the world was reminded that international terrorism remains a principal threat to human life and democratic values, and that all civilized nations must redouble their efforts to eradicate this scourge.

The bloody end to the hijacking of Pan American flight 73 in Karachi, Pakistan, and the murder of 22 Turkish Jews as they worshiped in their Istanbul synagogue, underscore the continuing need for action against international terrorism and the grievances which inspire it.

Our hearts go out to the victims of these latest terrorism crimes, and to their families. They have our deepest sympathies and condolences. They are the innocent victims in the diplomatic, political, and military struggles which comprise the context of international terrorism. We mourn those who have been killed, and we hope that those who have been injured will recover quickly.

Yet as we decry these latest terrorist crimes in Pakistan and Turkey, and offer sustenance to the victims of these outrages, we should deepen our resolve to act in concert with our friends and allies to combat international terrorism.

As the most powerful nation in the free world, the United States should lead these efforts. However, as I have stated before, the United States deserves the support of its allies and friends in this battle—not only of its allies, but the support of all civilized nations.

It was for that reason that I offered an amendment to the Diplomatic Security and Antiterrorism Act to encourage increased cooperation among our NATO allies to combat terrorism. That amendment urged the President to propose to our NATO allies that the alliance should create a permanent political committee to deal with terrorism.

I am pleased that this amendment was included in the final version of this act, because if such a NATO antiterrorism committee is established, it could become an important forum for government-to-government cooperation against terrorism.

The latest terrorism attack in Turkey, a NATO ally, should demonstrate to the alliance the need for such a forum.

The latest terrorism act in Pakistan demonstrates that such government-to-government cooperation among our friends and allies naturally extends beyond the membership of the NATO alliance. The war against international terrorism must be waged on a far wider scale.

Mr. President, the U.S. Government has increased its international efforts against terrorism, but it must give even further consideration to escalating this war through all possible means—diplomatic, political, economic, and, when appropriate, military.

To reinforce our ongoing antiterrorism campaign, I urge the President to make increased antiterrorism cooperation a high-priority subject of discussion in every new communication he has with any of our friends and allies, and even to consider proposing a special "antiterrorism summit meeting" to increase the multilateral efforts against terrorism.

I will join with the distinguished majority leader this afternoon in introducing a resolution condemning these latest terrorist acts. And I hope that the full Senate will consider this measure as early as tomorrow. Also it would be well if the Senate could have a rollcall vote immediately following the vote on the Daniloff matter tomorrow so that again the Senate might register its unanimous support for this resolution and its unanimous condemnation and protest against such horrifying terrorist acts.

No discussion of international terrorism can be complete without mentioning the role that the Soviet Union may play in encouraging such attacks. The Soviets condemn terrorism, and yet there is some evidence that they give both material and political support to it. I noted in the press during the last few days that some of the terrorists may be receiving their training in the Soviet Union.

If the Soviets are genuine in their opposition to international terrorism, they will cooperate with the United States and its friends and allies against it. I urge the President to challenge the Soviet leader at the summit—if, indeed, a summit occurs—to demonstrate this cooperation.

Ultimately, international terrorism affects all nations, so we must do all we can to mobilize as many nations as possible in the campaign to eradicate it.

I join with the majority leader in the effort to get other Senators on both sides of the aisle to join in cosponsorship of the resolution. I hope all Senators will do so. I hope that the vote when it comes on tomorrow will receive the unanimous support of the Senate.

I yield the floor.

Mr. DOLE. Mr. President, I want to thank the distinguished minority leader for his statement, particularly the suggestion that the Soviet Union be a part of any process here if we are ever going to get to the root of terrorism. I think it is another challenge the Soviet Union needs to look at very carefully.

I would guess that over the past week millions of Americans and millions around the world wondered about precisely what was going on—first, the terrorist attack in Karachi,

and, second, the attack in Instanbul. I guess just watching as I watched the news time after time after time it is pretty hard to comprehend or to describe the horror and revulsion that all of us feel over these inhuman acts.

Our hearts go out to the victims and their families, including the many Americans victimized in the Karachi hijack. Our appreciation goes to the Government of Pakistan, which I believe did provide some assistance although there is some doubt whether there was lax security at the airport or an adequate effort made to abort the hijacking. But in any event, we express our appreciation in the effort to contain and end the Karachi incident with minimum bloodshed.

Once again, we are painfully reminded of the fact that there are fanatical elements at loose in the international community, willing to murder and maim defenseless men, women, and children, in pursuit of their warped political beliefs. Once again, we must confront the bitter reality that there are no easy answers; that international terror is not going to go away; that, as sure as today turns into tomorrow, we will face even more attacks in the months ahead.

A TIME OF TESTING FOR THE NATION

This is a time of testing for America and for Americans, no less than we have faced in open war. It is a time for all of us to resolve once again to show quiet courage, not bravado; unity, not diviseness or partisanship; resolute determination, not knee-jerk reaction.

We must remain steadfast to a threefold strategy: We must be vigilant and strong, and be prepared to pay the high cost of that posture. We must never give in to the demands of terrorists, no matter what the circumstances. And, in the long run, we must make terrorists pay for their deeds—with the cooperation of our allies and friends and; as the distinguished minority leader indicated, the Soviet Union if we are ever going to bring an end to terrorism around the world.

If necessary, if all that fails, then we have to go it our own way if that becomes a necessity.

In this context, I might also note that the Israeli Parliament, the Knesset, will be holding a special session this week to express solidarity with the victims of the Istanbul attack. The distinguished minority leader and I, on behalf of the Senate, will be sending a message to the speaker of the Knesset, adding the Senate's voice to those of the Israeli parliamentarians expressing outrage at the Istanbul attack.

I ask unanimous consent that the text of that message be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. DOLE. As the distinguished minority leader has indicated we will be working together on joint cosponsorship of a resolution urging unanimous Senate support for the resolution, and that will be circulated this afternoon.

Again I think it is a good idea to have the votes back-to-back perhaps after the policy luncheons tomorrow to express the feelings of the Senate on the tragedy of Karachi and Istanbul and reaffirming our determination to stand strong and together against international terrorism.

I want to thank the distinguished minority leader and his staff and the members of my staff who have been working on these matters in the past few days.

Mr. BYRD. Mr. President, I want to thank the distinguished majority leader and his staff.

EXHIBIT No. 1

MESSAGE TO ISRAELI KNESSET FROM DOLE AND BYRD ON TERRORIST ATTACK IN ISTANBUL

To His Excellency SHLOMO HILLEL,
Speaker, the Knesset, Jerusalem, Israel.

DEAR MR. SPEAKER: On the solemn occasion of the Knesset's special session, and on behalf of the Senate of the United States, we would like to join in expressing outrage at the terrorist attack on the Neve Shalom Synagogue in Istanbul and solidarity with the victims of that tragic incident.

Our countries and people have stood together on many occasions and on many issues. But never do we stand more united than in our condemnation of international terror and our sympathy for its innocent victims.

From the tragedy of Istanbul, let us take new resolve to continue to work together to contain and eventually to stamp out the scourge of terrorism.

Sincerely yours,

BOB DOLE,
Majority Leader.
ROBERT C. BYRD,
Minority Leader.

DROPOUT PREVENTION AND REENTRY DEMONSTRATION PROJECTS

The PRESIDING OFFICER. The clerk will now read H.R. 3042.

The assistant legislative clerk read as follows:

A bill (H.R. 3042), to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

Mr. BRYD. Mr. President, I object to any further proceedings on H.R. 3042 at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AMENDMENT OF TRADE EXPANSION ACT 1972

The PRESIDING OFFICER. The clerk will now read S. 2765.

The assistant legislative clerk read as follows:

A bill (S. 2765) to amend section 232(a) of the Trade Expansion Act of 1972 to improve its administration, and for other purposes.

Mr. DOLE. Mr. President, I object to any further proceeding on S. 2765 at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

THE TAX BILL

Mr. LEVIN. Mr. President, at some point within the next month, we are going to consider the conference report on the tax bill. When we do, I believe it is important that we focus on what is in that bill rather than what is being said about it. There is a big difference between the two. For example, we are told that the public is clamoring for the bill. But the polls say that is not the case. And when I talked with my constituents in Michigan over the past few weeks they told me that was not the case.

The lack of public demand for this bill, indeed skepticism and cynicism, will grow as folks find out about some of the other differences between what they want in tax reform and what they would get if this bill passes.

They want a law to give middle-income Americans a break. They would get a law forcing one out of every five middle-income taxpayers to pay more in taxes.

They want a law to make the tax system fair. They would get a law creating and perpetuating a whole host of inequities.

They want a law to help reduce the deficit. They would get a law making deficit reduction harder and more unfair.

They want a law to encourage economic growth. They would get a law threatening to push the economy over the edge and pull a lot of us over along with it.

Those are some of the reasons why this is just the wrong bill at the wrong time.

Notwithstanding what the people want, virtually everyone in Washington says that Congress is poised to approve the conference report on the tax reform bill. They say that everyone supports reforming the Tax Code. Well, I support reforming the Tax Code, too. I support toughening the minimum tax on profitable corporations and on wealthy individuals to make sure that they do not shelter all their income. I agree with the aide to Chairman ROSTENKOWSKI of the Ways and Means Committee who described this as "the fire in the belly behind this issue." But, as was the case with the Senate version, I do not support the conference report.

If the passage of the conference report is a foregone conclusion, some may think that my remarks today and over the next few days, attempting to

demythologize this bill, are just footnotes to a battle already fought. But I believe that there is a chance—admittedly a small chance—that they may not be just footnotes. I believe there is a chance that when people look at this bill closely, they will see that it is like a new house which is fashionable on the outside, but which is supported by too many matchstick beams.

Let me start out today with what is perhaps the most common myth about this bill—the myth that this bill is unambiguously good news for the average taxpayer. The day after the conference committee reported agreement, one of the television economics reporters said simply, "If you make under $50,000, you get a tax cut; if you make over $75,000, you get a tax increase." One of the chief proponents of the conference report has added:

What the Government is saying to middle-income Americans with this bill is: If you work hard, if you earn more money, you'll keep more of the money you earn.

That is a myth. The reality is a lot more clouded. Surely, according to the best information available from the Joint Committee on Taxation, most average Americans would get a small tax cut under this bill. But millions of average Americans would get a tax increase under this bill. In 1988, when fully phased in, this bill would increase taxes on 10 million taxpayers with incomes between $20,000 and $50,000. So much for the myth that this bill is good news for all middle-income people.

Some may respond by saying that although some average Americans would get tax increases under this bill, most of the people who would get tax increases are wealthy individuals who abuse tax shelters. Unfortunately, this is another myth. Based on the material from the joint committee, of the 20 million taxpayers who would get tax increases in 1988, 77 percent are making $50,000 or less. That 20 million includes not only the 10 million I mentioned a moment ago who make between $20,000 and $50,000, but also 5.8 million taxpayers making less than $20,000. Therefore, most of the people who would get tax increases under this bill come from the ranks of middle- and low-income taxpayers.

These are not the taxpayers who are investing in vacant office buildings to shelter their income, but rather taxpayers who have to work hard just to afford shelter for themselves and their families. They do not engage in exotic tax schemes, but rather are among the 35 million taxpayers with incomes under $50,000 who deduct State sales taxes, or the 31 million with incomes under $50,000 who deduct consumer interest. They are also among the 25 million taxpayers making under $50,000 who take the deduction for two-earner couples, which is designed to partially compensate for the fact that married couples with both spouses working would otherwise pay more in taxes than would two single individuals making the same total income—what is known as the marriage penalty tax.

Simply put, most of the taxpayers who would be asked to pay more in taxes under this bill are not among the privileged and powerful but rather are among the average and the struggling.

One particular group that appears likely to have more than its share of people getting tax increases under this bill are two-wage earner couples. There is a tendency among proponents of this bill to say flatly that it is pro-family because of the increase in the size of the dependency exemption for children. What this characterization ignores is that the bill is skewed to a particular definition of "family." It is not a valid generalization if both spouses work, as do over 50 percent of married couples. There are many two-wage earner couples for whom the increase in the dependency exemption and the lower tax rates would not compensate for the loss of the two-earner deduction and for deductions such as the ones for consumer interest and sales taxes. In many of these families, both spouses work because that is what is necessary to make ends meet. How are these families going to feel when, if this bill passes, they find out that they will get a tax increase because their definition of "family" does not match that of the people who supported the bill?

I will have more to say about the conference report over the next few days, based on the information that is available at this point and on additional information which I have requested of the Joint Committee on Taxation and the Finance Committee, and which I hope will be available shortly.

One thing that opponents and supporters of this bill have in common is that they recognize its monumental significance. That is why I trust that this bill will not be rushed to the floor for passage before there has been an adequate time for it to be carefully reviewed—by not only the Members of Congress but also by our constituents.

The supporters of this bill like to present it as a bill reflecting the general interest. It is only proper, then, that there be enough time after the conference report has actually been printed for our constituents to reflect on it and report to us. If it is as popular as its supporters suggest, this will only add to its momentum. If it is, in fact, not so popular among the people, we should certainly want to know that as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have indicated to the distinguished majority leader that if the Senate is not prepared to transact any business at the present time, I am prepared to proceed with a speech on the subject of the U.S. Senate rather than continue with a prolonged recess. It is my understanding that the managers of the appropriation bill will be prepared later this afternoon to proceed with the action on that bill. But at the present time there is not the possibility that action would go forward. So rather than have the Senate engage in a very long quorum call, I thought it might be well to proceed with another in my series of speeches on the history of the U.S. Senate. I, therefore, ask unanimous consent that I may proceed to speak in morning business until such time as I yield the floor, and I will yield the floor at any time the distinguished majority leader wishes to transact any business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I will also yield the floor if any other Senator should wish to have the floor, but until then I shall proceed.

May I say to those who are watching television that I have, since 1980, the month of March thereof, made a series of speeches on the history of the U.S. Senate, and more than 80 of such speeches have been made. Today, I shall speak on the subject "Mike Mansfield's Senate: The Great Society Years."

THE UNITED STATES SENATE

MIKE MANSFIELD'S SENATE: THE GREAT SOCIETY YEARS

Mr. BYRD. Mr. President, United States senators, like baseball fans, love statistics. From time to time we stop to congratulate colleagues on their years of service, the number of votes they have cast, their tenure in a committee chairmanship. The cloakrooms present a "golden gavel" award to senators who preside for a hundred hours in the chamber. Various interest groups collect our roll call statistics, and rate how liberal or conservative we are, or how often we support or oppose the president's program, or how we voted on their favorite legislation. The American Enterprise Institute regularly publishes a volume of

Vital Statistics on Congress, which accounts for everything from our religious affiliations to the number of staff we hire and the amount of mail we send out, measured in the millions of pieces. In this vast array of statistics, some record-holders stand out from the others. These senatorial Ty Cobbs and Babe Ruths have set standards of longevity and accomplishment that we know will take generations before they are surpassed, if ever.

On August 15, 1974, the Senate paid tribute to one of its champions, Montana's Mike Mansfield, on the 225th day of his 13th year as Senate Democratic Leader. On that occasion he passed the record held by Arkansas' Joseph T. Robinson, who served as Democratic leader from 1924 through 1937. Unlike Robinson, who had spent nine years as minority leader and four as majority leader, Mike Mansfield served only as Majority Leader. Indeed, when he retired in January 1977, he had spent the entire sixteen years of his leadership in the majority. By contrast, the Senate has had three majority leaders in the ten years since Senator Mansfield departed. If this were not a grand enough statistic to make the *Guinness Book of Records*, our former colleague has gone on to set another record as the longest serving American ambassador to Japan, a post he has held in both the Carter and Reagan administrations and which he continues to hold.

Mr. President, these statistics are not oddities to be dealt with lightly. They are the measure of a remarkable man. They reflect his lifelong commitment to public service, his persistence and endurance, and an abiding bipartisan respect for his wisdom and ability. The purpose of these remarks, in my continuing series of addresses on the history of the United States Senate, is to discuss Mike Mansfield's leadership. His service was so long, and covered an era so turbulent, that I plan to divide my discussion into two sections, one on the domestic policy issues and one on the foreign policy issues of the "Mansfield Senate." While some may consider this period more as one of current events than history, let me add one additional, startling statistic: sixty-three of the present one hundred members of the United States Senate came here after Mike Mansfield retired. It is to those sixty-three in particular that I direct my remarks today, as well to those who will read the history of the United States Senate in the years and decades and centuries to come.

Mike Mansfield and Montana are so synonymous that it is hard to believe he was not born on some windswept prairie or in a bustling mining town, but in Greenwich Village, New York, on March 16, 1903. "I was born of immigrants in New York City," he once recalled, "among immigrants, drawn from everywhere in the world. They had one thing in common: it was a belief in the promise of America." When Mike was three years old, his mother died, and his father sent the child to Great Falls, Montana, to live with an aunt and uncle. "From the age of three, my home was a general store in Montana," Mike said. "The people who came and went were miners, farmers and cowpunchers. They were prospectors, railroaders and teachers. They came from the South and from the Middle West. They were free souls who drifted or were driven to seek a new life on the Western frontier."

Before finishing the eighth grade, Mike Mansfield dropped out of school to begin an odyssey that took him around the world, and deep into the mines of Montana. Mike was fourteen when America entered World War I. Being patriotic, although underage, he ran away from home and enlisted in the United States Navy. For a man who likes to set records, it should perhaps not be too surprising that after service in the Navy, from 1918 to 1919, Mike went on to enlist in the Army, where he served from 1919 to 1920, and then in the Marine Corps, from 1920 to 1922. Mike Mansfield has been the only United States Senator to serve in these three branches of the military—and if there had been an Air Force in those days, he probably would have joined it as well! "The Army gave me the rank of private," he said; "the Navy, seaman 2d class; and the Marine Corps, P.F.C. In the training camps in the United States, on the North Atlantic, in barracks in the Philippines and China—I served with enlisted men from everywhere in the nation." [1]

After seeing the world, Mike returned to Montana as a mucker (or a shoveler) in the copper fields of Butte. When he was twenty-four, he enrolled in the Montana School of Mines to become a mining engineer. There he met and fell in love with Maureen Hayes. Maureen was a school teacher, and Mike was an eighth-grade dropout. She recognized his intelligence and wanted him to achieve his full potential. No matter how much he might have learned as the world traveler he was, she refused to marry him until he got a formal education. So Mike set out to win her hand by finishing high school and going to college. They married while he was a student at Montana State University. "It was my wife who really got me started, who pushed me, and thank the Lord she did," Mike said. He added that while his heroes were Montana Senator Tom Walsh and Western artist Charlie Russell, his heroine was his wife.[2]

Mike got his bachelor of arts degree in 1933, and set out to teach high school, but two Montana towns refused to hire him because he was a Roman Catholic—how deep grew the roots of religious intolerance in those days! Maureen, however, cashed in her life insurance policy to help her husband go back to Montana State University. There, in 1934, he earned his masters degree and joined the faculty as a professor of Latin American and Far Eastern history and political science. But the classroom could not hold him. Politics—Democratic politics—was in his blood. The Democratic party, he said, was "woven into all the years of my life," in the military, in the mining towns, and on campus.[3] So, it followed that the young professor, intrigued by politics; motivated by a concern for Montana, the nation and the world; and encouraged by his wife; would run for office as a Democrat. He lost a bid for nomination to Congress in 1940, running third in a three-man race. But in 1942, using his Montana State University students as his political organization, Mike Mansfield won the Democratic nomination and the election for a seat in the United States House of Representatives from the Western Montana district.

Interestingly enough, Mike replaced Representative Jeannette Rankin, whom the state of Montana recently memorialized with a statue in the U.S. Capitol Building. A Republican, Miss Rankin was a pacifist who had won notoriety by casting the sole vote in Congress against American entry into World War II. In this act she was consistent, for during her first term in the House she had opposed entry into the First World War. Her vote against the Second World War—when Pearl Harbor had just been attacked—was so unpopular that Miss Rankin stood no chance of reelection. Although she did not run in 1942, voters showed their disapproval of their Republican isolationist representative by choosing as her successor a Democratic internationalist with a military record in three branches of the armed forces. For all their differences, however, in later years, both Mike Mansfield and Jeannette Rankin found themselves in common opposition to the war in Vietnam—he as Senate Majority Leader, growing steadily disenchanted with the war; she as a peace activist, marching with protest groups in the streets.

The House Democratic leadership, under Speaker Sam Rayburn, was delighted to have the new Western moderate Democrat, elected at a time when Republican and conservative margins were increasing.

I am speaking of the House leadership. They rewarded him with an appropriate committee assignment on the House Foreign Affairs Committee, where he ranked in seniority just below another promising young Democrat elected in 1942, J. William Fulbright of Arkansas. That same class also included future senators J. Glenn

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Footnotes at end of article.

Beall and Frank Barrett, future Secretary of State Christian Herter, and such later influential House members as Brooks Hays, Chet Holifield, Walter Judd, and Ray Madden. Other House members whom Mansfield first met in the 78th Congress, and with whom he would still be working decades later in the Senate, included Democrats Lyndon Johnson, Clinton Anderson, Warren Magnuson, Henry Jackson, Jennings Randolph, John Sparkman, Albert Gore, Sr., Estes Kefauver, Mike Monroney, and Republicans Everett Dirksen, Hugh Scott, and Margaret Chase Smith.

As one of the few members of the House of Representatives with an extensive knowledge of Far Eastern affairs, Congressman Mansfield came to the attention of President Franklin D. Roosevelt. Just after Mike finished his freshman term in the House, President Roosevelt sent him on a confidential mission to China, to inspect conditions there. Mike had first visited China as a Marine Private First Class in the 1920's. When he arrived on the Chinese Mainland in 1944, he found conditions there in turmoil. On one hand, the Chinese were waging war against Japan; on the other, they were engaged in a civil struggle between Nationalists under Chiang Kai-shek and Communists under Mao Tse-tung. Although Mansfield endorsed Chiang as "the one man who can make Chinese unity and independence a reality," he reported widespread disunity and dissatisfaction with the Nationalists. Reflecting the opinions of China specialists at the time, he also described the Communists as "more agrarian reformers than revolutionaries." This assessment may have accurately reflected the situation in the winter of 1944, but events changed much more rapidly than anyone anticipated. By 1949, Chiang's government had collapsed and the Chinese Communists had seized control. In the angry and bewildered debate over "Who Lost China?" Mansfield came in for fire for his report, and his race for the Senate in 1952 led to a smear campaign which labeled him "China Mike."

No political innocent, Mike did not absorb himself in foreign policy to the exclusion of his constituents. He went to the Far East armed with information on the location of every Montana serviceman in the region. John Kamps, later an Associated Press reporter on Capitol Hill, remembered returning one day to his camp in the jungles of Burma to find a note from Congressman Mansfield, who had ridden ten miles in a jeep to visit him. Montana may be a big state in geographic size—the fourth largest in the nation—but it has a small population, among whom word quickly spreads, and such diligent attention to constituents does not go unnoticed.[4]

Congressman Mansfield's support of the Roosevelt and Truman foreign policies, and his increasingly respected voice in the House of Representatives, led President Truman in 1949 to offer him the post of Assistant Secretary of State for Public Affairs. Mansfield declined the offer. He preferred to remain in Congress and had his ambition set on the Senate. In 1952, Republican Senator Zales Ecton was standing for reelection after a not particularly distinguished freshman term. Ecton was the first Republican elected to the Senate from Montana since 1913, and Mansfield considered him vulnerable. But the race was hard and bitter. Eisenhower's presidential campaign provided broad coattails for Republican candidates. Senator Joseph McCarthy also came to Montana to campaign for Ecton. In his typically irresponsible fashion, McCarthy accused Mansfield of being a Communist "dupe." Despite these tactics, Mike Mansfield won the election and entered the 83rd Congress as United States Senator from Montana. (Others in the Class of 1952 included John F. Kennedy, Henry Jackson, Albert Gore, Sr., Stuart Symington, John Sherman Cooper, and Barry Goldwater.)

The Senate Democratic leadership, under the command of the new Democratic leader Lyndon Johnson, recognized Mansfield's talents and appointed the freshman senator to the Foreign Relations Committee. Throughout most of the 1950's, Mansfield devoted himself primarily to foreign policy issues, about which I will have more to say at a later time. During this period, he established a reputation as a quiet, hardworking, thoughtful senator—a man of honor and integrity. After the 1956 election, when Democratic Whip Earle Clements was defeated, Majority Leader Johnson selected Mansfield as his new whip, unlike the way the whips have been selected in recent years when the whips have been selected by vote of the Democratic Conference. But at that time, the majority leader then, Lyndon Johnson, selected the Democratic whip.

Reporters Rowland Evans and Robert Novak have written that Johnson really wanted Florida Senator George Smathers for the post of whip, but that Democratic liberals objected to Smathers. Conservatives would not accept Johnson's next choice, Hubert Humphrey. Mansfield, as a moderate, appealed to both sides.[5]

There were some who said Johnson picked a whip whom he knew would never challenge his leadership, and that could very well be true. Certainly Johnson and Mansfield employed very different styles of Senate leadership, and it would be hard to find two different men. Johnson was loud; Mansfield quiet. Johnson was impatient, Mansfield had infinite patience. Johnson twisted arms, Mansfield took a low-key, conciliatory approach. Johnson wanted it known that he was totally in charge; Mansfield believed he was simply one among equals and treated all other senators as equals. Johnson in fact made little use of either Clements or Mansfield as whips, preferring to use party secretary Bobby Baker to count heads and control the flow of business on the floor. Former Assistant Secretary of the Senate Darrell St. Claire recalled how during Johnson absences "Again and again Mike Mansfield would try austerely to rise and be acting leader . . . and find he had no troops behind him because Bobby was circulating around the back of the Democratic side saying, 'Johnson wants this kept on the burner for a while.' "[6]

In 1960, Lyndon Johnson won election as vice president, and in January 1961, the Democratic conference selected Mike Mansfield to succeed him as Majority Leader, with Hubert Humphrey as Whip. To Bobby Baker's surprise, Mansfield asked him to stay on as Democratic Secretary. Although they had had their differences, and Mansfield had every right to feel resentful towards Baker, he recognized his talents for counting heads and keeping track of every detail, assignments Mansfield was more than happy to delegate. And I can vouch for his penchant for delegating such details myself, having worked as secretary to the Democratic Conference under Mike Mansfield for 4 years and then as majority whip under Mr. Mansfield for 6 years.

"Working for Mike Mansfield, compared to working for Lyndon Johnson, was like lolling on the beach as opposed to picking for cotton," Bobby Baker later recalled. "I truly liked Senator Mansfield. He was a decent, gentle, kind man, and keenly intelligent. Sometimes, however, I missed the fiery performances and gusto provided by Lyndon Johnson." Mansfield, Baker complained, would frequently disappear into his office to meditate. Because the new majority leader seemed to lack aggression in his political pursuits, Baker and Senator Robert Kerr, chairman of the Finance Committee, moved to fill what they saw as a political vacuum. "We wheeled and dealed while Senator Mansfield sat alone in a favorite hideway office, puffing his pipe and reading book after book."[7]

There were many who wondered how the Senate could ever operate without Lyndon Johnson at its helm—including Lyndon Johnson himself. He had been a part of Washington long enough not to expect much influence in his new post, nor did he anticipate much of a role in the executive branch. Instead, Johnson hoped to keep his hand in the Senate's leader-

ship as a lobbyist for the Kennedy administration's legislative program. He even asked to keep the old office which was his as majority leader, which the press had dubbed the "Taj Mahal." Mansfield turned down the room request, but agreed to make a motion that Johnson be permitted to continue presiding over the Democratic Conference after he became vice president. Upon hearing this motion, after a moment of stunned silence, the Conference erupted into furor. Senators Joe Clark, Albert Gore, Sr., Clinton Anderson, Olin Johnston, and A. Willis Robertson, certainly representing a mixed bag of political ideology and influence, expressed outrage over this violation of the separation of powers. Johnson's sometimes heavy-handed tactics as majority leader apparently had built up much steam in the Senate, and Mansfield's motion finally blew off the lid.

Although the conference allowed Johnson to preside on that occasion the vocal opposition from old friends had wounded his pride, and he rarely returned to conference meetings.[8]

Mike Mansfield stepped into the Senate leadership at the start of the administration of his friend and former Senate colleague, John F. Kennedy. From all accounts, Kennedy deeply admired Mansfield. Arthur Schlesinger, Jr., wrote that Kennedy "particularly liked and valued Mike Mansfield, approved of Mansfield's announced principles of 'courtesy, self-restraint, and accommodation' and considered him underrated because he did his job with so little self-advertisement and fanfare." Theodore Sorenson recorded that Kennedy sometimes "was frustrated by what he felt were Mansfield's excessive pessimism, caution and delays. But in view of his consistent string of successes in the Senate, he was deeply appreciative of Mansfield's loyalty and labors, held him in close personal affection, and felt that no Senate leader those years could have done better in the long run."[9]

The Democrats had strong majorities in both houses of the 87th Congress—65 to 35 in the Senate, 262 to 174 in the House. But these numbers hid the ideological coalitions between conservatives from both parties opposed to Kennedy's liberal programs. Elected with an agenda that included civil rights legislation, medical care for the elderly, improvements in housing and education, and a desire to get the country economically moving again, Kennedy found that he could not command automatic majorities in either house, or even count on the support of committee chairmen from his own party. The administration suffered embarrassing defeats in its farm legislation, and on Medicare. Civil rights seemed bottled up in committee, and faced a probable filibuster on the Senate floor. In 1963, the respected political scientist James MacGregor Burns published a book, The Deadlock of Democracy, in which he despaired that any dynamic new programs could emerge from the ideologically divided and conservatively entrenched Congress.[10]

Given these frustrations to the Kennedy program, there were many who thought a majority leader like Lyndon Johnson could muscle recalcitrant senators into line. But this was not Mansfield's style. John G. Stewart, who served as special assistant to Democratic Whip Hubert Humphrey, published a revealing comparison of Johnson and Mansfield's methods of leadership. "Temperamentally unsuited to operate in the style of Lyndon Johnson, Mansfield based his leadership strategy on an appeal to the senatorial interests of institutional pride and personal participation, interests seemingly far removed from Johnson's harsh world of political reality," Stewart wrote. "As one observer remarked, 'Mansfield seemed to believe that belovedness would become the guiding force in the Senate.' " As Mike himself said at the end of his sixteen years as majority leader: "I don't collect any IOU's. I don't do any special favors. I try to treat all senators alike, and I think that's the best way to operate in the long run, because that way you maintain their respect and confidence. And that's what the ball game is all about."[11]

There is no question that the Senate changed dramatically between 1953 when Mike Mansfield arrived and 1977 when he left. And much of that change was attributable to his style of leadership. As political scientist Robert Peabody has written: "From the early 1950's to the mid-1970's, the Senate changed from a largely Southern-dominated, senior-controlled, committee centralized institution . . . to a relatively decentralized, much a more egalitarian institution characterized by democratized leadership and greatly expanded role for its junior members." In some ways, Lyndon Johnson started this ball rolling with his appointment of new senators to prestigious committees. But where Johnson had dominated the Policy and Steering committees and sought to make or influence all committee appointments, Mansfield allowed these committees fairly free reign, and permitted contested committee assignments to be decided by secret ballot. Under Mansfield, the Democratic Conference met more frequently than it had under Johnson, and acted more as a forum for party discussion. Mansfield encouraged committee chairmen and other senators to manage their own bills on the floor and take public credit for their passage. During his leadership, the number of subcommittees expanded, and with it the number of staff, giving freshmen senators more of a chance to be heard and to influence legislation.[12]

Not everyone appreciated Senator Mansfield's passive style. In a debate over President Kennedy's foreign aid bill in 1963, Senator Thomas J. Dodd of Connecticut, argued that the Senate should be working harder and for longer hours. "Mike Mansfield is a gentleman," said Senator Dodd. "But I worry about his leadership . . . . He must say 'No' at times. He must say 'Yes' at times." Such criticism disturbed Senator Mansfield, and one Friday in November 1963, he asked the Senate for unanimous consent that he be recognized the following Monday morning to address the Senate on the subject of leadership, in order to set his critics straight. But that Friday was November 22, the day President Kennedy was shot. The death of the President had a profound affect on Senator Mansfield, who had lost a friend as well as a leader. We still recall his moving eulogy to the President, with its haunting refrain: "And so she took her ring from her finger and placed it in his hands."[13] In the aftermath of those tragic days, Senator Mansfield said he had no heart to read his remarks about Senate leadership and instead inserted them in the record. As a result, the statement did not get the attention it deserved. In many ways it expresses the Mansfield credo of leadership.

"Mr. President, some days ago blunt words were said on the floor of the Senate," he began. "They dealt in critical fashion with the quality of the majority leadership and the minority opposition." Several senators had found the performance of the Senate wanting, and had raised a hue and cry that had been further magnified in the press. "There is reference, to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the timewasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each Member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment on any other Member."

The Senate was not more or less efficient, he maintained because it worked from 9 to 5 or around the clock. "It will be of no avail to install a time-clock at the entrance to the Chamber for Senators to punch when they enter or leave the floor." And he was proud of the Senate's record of productivity under his leadership, despite the many important bills still waiting for consideration. "It is not the record of the majority leader or the minority leader," Mansfield said. "It is the Senate's record and as the Senator from Montana, I, for one, will not make light of these achievements in the first two years of the Kennedy administra-

tion. And the achievement is no less because the 87th Congress did not meet at all hours of the night, because it rarely titillated the galleries or because it failed to impress the visiting newsmen and columnists."

Turning to the criticism of his personal style of leadership, Mansfield said: "Of late, Mr. President, the descriptions of the majority leader . . . have ranged from a benign Mr. Chips, to glamourless, to a tragic mistake . . . It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title . . . But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, ever if I could, presume to a toughmindedness which, with all due respects to those who use this cliche, I have always had difficulty in distinguishing from soft-heartedness or simplemindedness. I shall not don any Mandarin's robe or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am and no title, political facelifter, or imagemaker can alter it."

"Within this body," he concluded, "I believe that every Member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the Nation. And to the extent that the Senate may be adequate in this connection, the remedy lies not, in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body." [14]

Whether one agreed or disagreed with Mike Mansfield's theories of leadership, there was no question of his straightforwardness in presenting and defending his position. In the years after inserting these remarks in the RECORD, Senator Mansfield never deviated from them.

One of the cornerstones of Mansfield's leadership strategies was that of developing good relations with the Republican minority leader, Everett McKinley Dirksen. Mansfield courted Dirksen, played straight and fair with him, and as a result won his cooperation at critical times in the legislative process. Without Dirksen's support, it is doubtful that the Senate would have ratified the Nuclear Test Ban Treaty in 1963, one of the most important treaties of the post-World War II era. Similarly, Dirksen played a pivotal role in passage of the Civil Rights bill of 1964. President Kennedy had proposed this legislation in June 1963, but it languished in committee. In his first address to Congress following Kennedy's death, President Johnson made the Civil Rights bill a top priority. As he faced election in his own right in 1964, Johnson knew that passage of the bill would be seen as a major test of his administration. But for all the influence Johnson could exert over legislation, not he but Mike Mansfield was Senate majority leader.

In their book, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act,* former Representative Charles Whalen and his wife Barbara point out that Mansfield decided not to become involved in the day-to-day discussions and manuevering over the bill, as a way of preserving his negotiating status. But, they write, "in his own strong and deliberate way, he made two decisions that vitally affected the fate" of the Civil Rights bill. One was to appoint his Whip, Hubert Humphrey, as floor manager. The second was to reject President Johnson's plan to try to wear out filibustering Southern senators by enforcing Rule XIX, which limited each senator to two speeches during one "legislative day." Johnson wanted to keep the Senate in session day and night to wear down the opposition. But Mansfield decided that the best strategy was to go for cloture, and he began lining up the necessary 67 votes (at that time two-thirds of the Senate was needed to invoke cloture). This was the reason why Everett Dirksen was so vital to this strategy. Mansfield needed enough Republican votes to compensate for the Democrats who opposed the bill—and a few others who opposed cloture under any circumstances.

I was one of those who had never voted for cloture up to that time, and I had also opposed cloture under any circumstances.

Richard Russell, leading the opposition forces, also worked hard to entice Dirksen to his side, but in the end, Mansfield's long courtship of the Republican leader won him over. On June 10, 1964, the Senate voted 71 to 29, four votes more than the necessary two-thirds margin, to invoke cloture on the filibuster against the Civil Rights bill. Those 71 votes included 27 Republicans. A little over a week later, the same coalition passed the historic Civil Rights Act by a vote of 73 of 27.[15]

Mr. President, this capsule summary does not do justice to the long, involved and often passionate struggle over the Civil Rights Act of 1964, but the point I wish to make is that while Dirksen had his face on the cover of Time magazine, and Humphrey received kudos from the liberal community for floor managing the bill, and Johnson earned national praise for enactment of this landmark legislation, Mike Mansfield's quiet, behind-the-scenes strategies and efforts also deserved some of the credit for the victory.

The year 1964 belonged to Lyndon Johnson, and his sweeping victory in the presidential election that year, against our colleague BARRY GOLDWATER, carried along with him vastly expanded Democratic majorities in both houses of Congress. The election gave Democrats the widest margin of control in Congress since the depths of the Great Depression, thirty years earlier. In the House there were 295 Democrats to 140 Republicans—a gain of 38 seats; and in the Senate there were 68 Democrats to 32 Republicans—a gain of two seats. Although the increase in Senate Democrats was not as numerically significant as in the House, it was still a significant victory, for it meant the reelection of the predominantly liberal freshmen of the "Class of '58," who would direct much of the legislative explosion of the "Great Society" years.

Lyndon Johnson gave the title "Great Society" to his program, which represented Democratic aspirations for a fairer, more equitable, and economically secure nation. Reform legislation which had been bottled up in committees, stymied by the conservative House Rules Committee, and seemingly immobile during the Eisenhower and Kennedy years, suddenly burst forth into the floor and was passed with breathtaking speed. Stewart McClure, chief clerk of the Senate Labor and Public Welfare Committee, from which much of the Great Society's legislation originated, in his oral history described the change: "Lyndon . . . came in like a tiger, and everything that had been dormant and stuck in conference or committee went woosh, like a great reverse whirlpool spinning it out. We passed everything within the next year or two." Recalling these events years later, McClure was still amazed: "I had never seen so much activity around here!" he said. "We passed major bills every week. It was unbelievable. Just a great dam broke. Everything but national health insurance, everything that had been piled up since Truman plus of lot of new stuff. It was fun!" [16]

A shining example was the Elementary and Secondary Education Act of 1965. For years education bills had bogged down over the issue of aid to parochial schools, and the issue of separation of church and state. The Johnson administration proposed a new ap-

proach—from an idea developed by the staff of the Senate Labor Committee. As Stewart McClure recalled, the committee had just been dealing with the issue of impacted aid—that is federal aid to school districts to compensate for the children of military personnel stationed there, but who paid no local taxes. Charles Lee of the committee staff commented on what a good idea impacted aid was, and then connected it to federal aid to education in general. As McClure explained it: "A child going to a poor school in a poor district should be considered suffering a national impact caused by the failure of the whole society to upgrade his disadvantaged area." To this they added the entitlement idea behind the GI bill. "We thought that poor children living in disadvantaged areas should be entitled, as were veterans, to special attention and assistance to help them climb out of the hole in which they had been placed by the entire society."

The staff took their plan to Senator Wayne Morse, chairman of the education subcommittee, who immediately recognized its value. Since the aid went to the children in poor areas, rather than to their schools, it avoided the whole church-state controversy. Senator Morse presented the concept to the Johnson administration, which embraced it warmly and then sold it to the education community. As McClure described it: "I think the ground was ready and the populace was prepared / for federal aid to education/, but the Congress was not, until Lyndon, using the Kennedy martyrdom, so to speak, raised the torch and cracked the whip and made the phone calls." The Education bill, stymied for so long, now moved so quickly, as the *Congressional Quarterly* observed, that "the word was passed to approve the bill and worry about perfecting details later." In January the President requested the bill; by March 26, the House had passed it. Two weeks later the Senate committee reported it without amendment, and three days after that the Senate voted 73 to 18 to make it law. Significantly, the majority leader played no appreciable public role in passing this landmark legislation. As McClure recalled: "In terms of the operation of the Senate you didn't even know he was around. . . . I don't recall Mansfield's intervening in anything at any time." But he added: "Nor did he have to, much." [17]

Mr. President, the Congress enacted so many major pieces of legislation during that period that I cannot tell the story of each individually. Let me just list in chronological order the domestic legislative achievements of the Johnson administration and the "Mansfield Senate" in the years from 1964 to 1966. Beginning in February of 1964, there was the Tax Reduction Act, which reduced both personal and corporate income taxes. In April, came the Economic Opportunity Act, which embodied President Johnson's call for a War on Poverty. This Act created the Office of Economic Opportunity, the Job Corps, and VISTA (Volunteers in Service to America), to fight against illiteracy, unemployment, and inadequate public services for the poor. In July the Civil Rights Act was passed. That same month also saw passage of the Urban Mass Transportation Act. In September we enacted the Wilderness Act.[18]

April 1965, saw passage of the Elementary and Secondary Education Act. In July, Medicare was enacted. In August came the Voting Rights Act, and the Omnibus Housing Act. In September we created the Department of Housing and Urban Development. Also in September the National Endowments for the Arts and Humanities were established. In October the Water Quality Act, the Air Quality Act, the Higher Education Act, and the Immigration Act all became law. The year 1966 saw passage of the Veterans' Educational Benefits in March. The National Traffic and Motor Vehicle Safety Act was passed in September. Also in September, Congress raised the minimum wage, extending wage, extending coverage to restaurant and retail workers, and farm workers previously excluded from minimum wage requirements. In October we created the Department of Transportation. In November the Clean Water Restoration Act passed, as did the Model Cities bill.

By any standard, this was the greatest legislative record of any Congress with the exception of the First Hundred Days of the New Deal. Lyndon Johnson, who had begun his political career during the Franklin Roosevelt years, had donned the mantle of his hero. Now, in recent years it has become fashionable for critics to dismiss much of the Great Society as "too much, too soon," to charge that the Great Society programs did not amount to all that Johnson has promised, and to imply that Johnson's programs has been undone. It is true that for a variety of reasons Johnson never again achieved the legislative momemtum he enjoyed in 1965. It is also true that he exagerated and oversold many of his programs, and perhaps raised hopes too high for quick solution of long and entrenched social programs. But from this list of legislation which I have just enumerated—and there is more—I can only conclude that Johnson's Great Society legislation had a lasting impact on American society, from health to environment and equal opportunity. Also in reading through this list, it is striking how much of the Great Society's legislation remains even today.

Despite the efforts of succeeding administrations to dismantle the Great Society, Medicare survives, as do the departments of Transportation and Housing and Urban Development and the many programs they administer. The National Endowments for the Arts and Humanities still do their good work in promoting our cultural resources. The Federal Government still aids education, promotes traffic safety, and protects the environment. We have continued and strengthened the Civil Rights Act and Voting Rights Act. In addition, we have, during the current administration, enacted new tax cuts in the spirit of the tax reduction passed during the Johnson administration. The work of the Johnson administration, and of Congress, in the 1960's was not in vain. Like Social Security and other reforms of the 1930's, its legacy has become entrenched in our way of life.

During all this legislative activity, Mike Mansfield presided, seemingly passive, puffing on his pipe, behaving no differently in the leadership than he had during the previous, frustrating years of inactivity. He still had his critics, but by now many had come to appreciate his purpose, his style and his contributions. As Senator Edmund Muskie reminded us of the majority leader: "We must never forget that the legislative accomplishments of these years were also his accomplishments." [19]

For his own part, Senator Mansfield willingly conceded the spotlight and shared the credit for these accomplishments with his colleagues. When asked by the press about his proudest accomplishments, the bill that he delighted in citing was not one of the monumental Great Society laws, but the Twenty-Sixth Amendment to the Constitution, ratified in 1971, which gave eighteen-year-olds the right to vote. The idea had gained popularity during the Vietnam War, when so many teenage young men were inducted into the armed services. If one was old enough to die for his country, the reasoning went, he was old enough to vote. Several senators had considered the idea, but it seemed to be getting nowhere. The Senator Warren Magnuson raised the issue with Mike Mansfield. Magnuson recalled having proposed the eighteen-year-old voting level while he served in the state legislature in the State of Washington back in 1933, and he still thought it a good idea. "Suppose you introduce the amendment," Magnuson suggested. Mansfield thought it over and agreed. With his prestige behind it, the amendment cleared the Senate and House by wide margins, and was quickly ratified by the States. It was an appropriate act by a man whose first political organization consisted of the students from his university classes.[20]

After listing the eighteen-year-old-vote as his proudest accomplishment,

Mansfield cited three other items: his role in initiating the Watergate investigation, his part in initiating the Senate inquiry into the activities of American intelligence agencies (chaired by Senator Frank Church), and finally, the "evolution, unpublicized, in the conduct of the Senate." He repeated to the reporter his by now familiar refrain: "All senators are equal in my opinion . . . there are no superstar senators, there are no second-rate senators, no senators who should spend months or years saying nothing, while their elders speak out on any and all subjects. There is no club in the Senate any more." [21] This was the way Mike Mansfield ran the Senate. No one ever accused him of twisting a single arm, of going back on his word, of using unfair tactics. He held the Senate up to its full responsibilities, and expected it to behave properly by itself. This philosophy carried over even to the election of other party leaders. Senator Mansfield never intervened in the Democratic Conference elections, never endorsed one candidate over another. During his years as majority leader the Conference elected four Whips: Hubert Humphrey in 1961, Russell Long in 1965, Edward Kennedy in 1969, and Robert C. Byrd in 1971. In none of those elections, even when incumbents were challenged, did Senator Mansfield take sides.

Mr. President, in future addresses I will talk about other aspects of the Senate during the years in which Mike Mansfield served as majority leader, about the wrenching Vietnam war years, about the traumatic Watergate period. For now however, let me conclude my focus on Mike Mansfield's career in the Senate with a mention of his retirement. Among his favorite mementoes was a huge photograph from 1962 showing congressional leaders milling aimlessly around the White House rose garden, while Senator Mansfield can be seen walking resolutely away from the group. On the photograph, President Kennedy inscribed: "To Mike, who knows when to stay and when to go." [22] After ten years in the House and twenty-four in the Senate, he decided it was time to go. "It is not a long time," he said, "but it is time enough." The Mike Mansfield who left was remarkably unchanged from the much younger man who had arrived years before. His administrative assistant, Peggy DeMichele, who had worked for him for many years, testified that he had "stayed the same." She commented that "There are so many little things he has done for the people in his state, things no one has ever heard about and he doesn't want anyone to know about. He has always tried to let others take the credit. Time after time he has worked hard for some project, and when the ribbon cutting time came he let others hold the scissors." [23]

On the last day that the Senate was in session during his term, his colleagues paid him special tribute. I was pleased to introduce Senate Resolution 551, designating room S-207 in the Capitol as the Mike Mansfield Room. I knew Senator Mansfield, out of his typical modesty, would have objected when the resolution was introduced, so I waited until he was off the floor in the cloakroom. So the room was named, and in it a large portrait of Mike, pipe in hand, watches down upon us today, as it will upon Senators in the future.

Mr. President, during that last tribute to Senator Mansfield, in September 1976, I said these words: "Each Member of the Senate, I believe, looks forward to the culmination of his years of service here with the hope that his actions and decisions have advanced the Nation toward the realization of the ideals of our American heritage. Each of us wants to help the American dream to acquire a more evident reality. Mike Mansfield has not been disappointed in these aspirations during his years in the Senate. In an historian's terms, he will deserve more than a footnote in the annals of the Congress; he has already warranted a full chapter in any such account." [24]

Mr. President, I am a man of my word. With this address I have made Senator Mansfield a full chapter in my history of the United States Senate. He deserves no less.

Mr. President, I ask unanimous consent to insert at the close of my remarks Notes for Mike Mansfield's Senate.

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

NOTES FOR MIKE MANSFIELD'S SENATE

[1] "Remarks of Senator Mike Mansfield (D-Montana) at the 1976 Democratic Congressional Dinner, Washington Hilton Hotel, May 11, 1976, Senate Historical Office files.

[2] Louise Sweeney, "Mansfield: A Low-Key Rock of Integrity," reprinted in the *Congressional Record*, 94th Cong., 2nd sess., S11546; *Current Biography, 1978*, 282.

[3] "Remarks of Senator Mansfield, May 11, 1976," *op. cit.*

[4] Richard L. Riedel, *Halls of the Mighty: My 47 Years at the Senate* (Washington, 1969), 153-5.

[5] Rowland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power* (New York, 1966), 98-9.

[6] "Darrell St. Claire, Assistant Secretary of the State," Senate Historical Office Oral History, 134. See also John G. Steward, "Two Strategies of Leadership: Johnson and Mansfield," in Nelson W. Polsby, ed., *Congressional Behavior* (New York, 1971).

[7] Bobby Baker, *Wheeling and Dealing: Confessions of a Capitol Hill Operator* (New York, 1978), 87, 140.

[8] Evans and Novak, *Lyndon B. Johnson*, 305-8.

[9] Arthur M. Schlesinger, Jr. *A Thousand Days: John F. Kennedy in the White House* (Boston, 1965), 711; Theodore C. Sorensen, *Kennedy* (New York, 1965), 357.

[10] James MacGregor Burns, *The Deadlock of Democracy* (Englewood Cliffs, NJ, 1963).

[11] Stewart, "Two Strategies of Leadership," 71; Randall B. Ripley, *Congress: Process and Policy* (New York, 1978), 198.

[12] Robert L. Peabody, "Senate Party Leadership: From the 1950s to the 1980s," in Frank Mackaman, ed., *Understanding Congressional Leadership* (Washington, 1981), 103; Norman J. Ornstein, Robert L. Peabody, and David W. Rhode, "The Changing Senate: From the 1950s to the 1970s," in Lawrence C. Dodd and Bruce I. Oppenheimer, eds., *Congress Reconsidered* (New York, 1977), 9-13; Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members* (Washington, 1985), 183, 281.

[13] The text of this moving eulogy is reprinted in *Tributes to the Honorable Mike Mansfield of Montana in the United States Senate*, S. Doc. 94-270, 94th Cong., 2nd sess., 44.

[14] *Congressional Record*, 88th Cong., 1st sess., 22857-62.

[15] Charles and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (Cabin John, MD, 1985), 128-9.

[16] "Stewart E. McClure, Chief Clerk, Senate Committee on Labor, Education and Public Welfare," Senate Historical Office Oral History, 97, 125.

[17] Ibid, 127-9, 205; Congressional Quarterly, *Congress and the Nation, 1965-1968* (Washington, 1969) II:3.

[18] For an account of the impact of this political environment on the passage of the Wilderness Act, see Richard Allan Baker, *Conservation Politics: The Senate Career of Clinton P. Anderson* (Albuquerque, N.M., 1985), chapter 7.

[19] *Tributes to the Honorable Mike Mansfield*, 45.

[20] Samuel Shaffer, *On and Off the Floor, Thirty Years as a Correspondent on Capitol Hill* (New York, 1980), 115-6.

[21] Sweeney, "Mansfield: A Low-Key Rock of Integrity," S11546.

[22] *Washington Star*, 17 September 1976.

[23] *Congressional Record*, 94th Cong., 2nd sess., 34012.

[24] *Tributes to the Honorable Mike Mansfield*, 41-2.

Mr. BYRD. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

DEATH OF ROLAND BERARDO

Mr. PELL. Mr. President, a very real community leader in Rhode Island who was also an old and dear friend, Roland Berardo, died shortly before the recent congressional recess.

Roland Berardo was a leading citizen of Westerly, RI, whom I knew, worked with and admired for many years. He was a warm and caring person who inspired respect and affection among all who met and worked with him. These qualities were well expressed in a fine tribute to Roland Berardo by Henry Nardone of Westerly. I ask that this tribute as it appeared in the Westerly Sun be printed in the RECORD at the conclusion of my remarks.

I want to take this opportunity also to express my own sense of sadness and loss at the departure of Roland Berardo.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Westerly Sun, Aug. 13, 1986]

A TRIBUTE TO ROLAND A.J. BERARDO

July 30, 1986. Roland Berardo was a good man. This large gathering is a tribute to Roland and an outward demonstration to his family of the high regard in which he is held by his many friends.

Our hearts go out to you, Mariette and Stephen, and to Roland's brothers and sisters. We share your great loss and are saddened—not because Roland has gone on but because we remain without him—and we shall miss him.

But we shall also remember him. We'll remember the kid from Dayton Street who started working as a young boy—not even in his teens—for Charlie Lem. Many Westerly students at R.I. State College got extra portions and indeed even free meals at the dinner in Wakefield—through Roland (and Charlie Lem—although unknown to him many times). I know, because I was one of those students.

Roland had an insatiable desire for education—and despite the adversities of a depression, a large family headed by a widowed mother, Roland resolved to complete high school in spite of interruptions to work. He continued on, encouraged by Emily, to complete college after serving in the Army during World War II.

During his successful and full career in the Foreign Service of his country—Roland never forgot his roots—his family—his friends and his home town. No matter where he went in the Foreign Service—no matter how lofty his position he always carried with him a little bit of Dayton Street—Charlie Lem—Sal Serra and the A&P Store—Westerly High School—the Town of Westerly and his family whom he loved so much.

On his retirement from the Foreign Service in 1971 he returned to Westerly much to the joy of his family and friends. How proud we all were of Roland and his accomplishments! We all felt that we shared in his successes and his family was justifiably proud and of course happy to have Rollie back home. Not many kids from Dayton Street rubbed shoulders and raised elbows with the great and near great people in the embassies of the world and with the powerful and important people of national government. It didn't change Roland—but we're sure that in some way, everyone who came in contact with him was affected.

Upon his retirement Roland embarked on a second and third career—always finding time for friends and family. Always participating in the affairs of his state and local government. Roland was always at the scene of action and leadership, always encouraging and helping others to do more and to do better. He was never at a loss for an opinion on almost any subject—and never at a loss of words to express his opinion. We can be sure that there is one good discussion going on up there right now—and Roland is in the middle of it!

A man's life is not measured by the material things he leaves behind but by the things he give to his fellow human beings while he was here. We are all a little better off for having known Roland. We may even be better people because of it. Roland will be remembered for his love of friends, family and country—for his faith in the goodness of God—and for his belief in the honor and dignity of his fellow man and for his pride and loyalty to his ethnic roots and heritage. We are saddened that we can no longer share his presence, but we are joyous that he no longer suffers and that he has gone on to his eternal reward.

Roland was a good husband—he was a good father and a good friend. Roland Berardo was a good man—Henry J. Nardone, Westerly, R.I.

WILLIAM BENNETT, SECRETARY OF EDUCATION

Mr. PELL. Mr. President, my colleagues have often heard me assert that the real strength and health of our Nation lies not in our weapons of destruction, and not in our machinery of construction, but in the education and character of our people. That is a belief that has consistently guided me in my efforts on behalf of education at the elementary, secondary, and post-secondary levels.

When William Bennett was asked by President Reagan to become Secretary of Education over 18 months ago, I strongly supported his nomination. I had worked with him during his tenure as Chairman of the National Endowment for the Humanities and was impressed with the commendable job he had done in that capacity. I saw in him the kind of person who could articulate the importance of both education and character to the strength and vitality of the American nation.

During his service as Secretary, I have retained my confidence in his abilities, even though I have disagreed with him from time to time. He is without question an intelligent and thoughtful person, and I have always found him to be one who is willing to listen and to consider seriously other points of view. I know him as an individual who cares deeply for this Nation and for the betterment of the education and character of our people.

In a sense, the Secretary of Education is our Nation's top educator. In that capacity, he has the opportunity to grab our attention and to focus it upon issues of critical national importance. Over time, Secretary Bennett has increasingly earned high marks for the issues to which he has drawn our attention, be it the importance of values in education, the need for greater discipline in our schools, the critical role of the family in education, or the dire threat which drug abuse poses to our young people.

Because of the faith I have in his abilities, I was very glad to read the "Bill Bennett Reconsidered" column by David Broder that appeared in the Wednesday, September 3, 1986, edition of the Washington Post. That article provides a very fair and balanced view of the Secretary and the work he is doing. It is an article that I would most certainly place on the recommended list for my colleagues and I ask unanimous consent that the text of that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILL BENNETT RECONSIDERED . . .

(By David S. Broder)

Back in February 1985, when William J. Bennett had barely been installed as the new secretary of education, I offered the unflattering judgment that he was a strong contender "for the dubious award as the James Watt of the second Reagan Cabinet."

Bennett earned that distinction by his rhetorical assault on the college student-loan program and his ardent defense of David Stockman's misconceived effort to slash its benefits. Bennett, the new boy trying to prove his credentials, said student aid was a boondoggle benefiting kids who wouldn't give up their cars, stereos and "three weeks at the beach" in order to pay their own tuition fees.

He followed up that opening salvo of demagoguery with a dozen other doozies, delivered to such "education groups" as Phyllis Schlafly's Eagle Forum, the U.S. Chamber of Commerce and the Supreme Council of the Knights of Columbus. His performance conveyed the impression that this fellow was a lot less concerned with improving the quality of the nation's schools than with proving to President Reagan's most conservative followers that despite the misfortune of being a PhD, he shared their fervent faith in school prayer, tuition tax credits and American policy in Nicaragua.

I have seen a lot of Bennett lately—at education meetings, not right-wing rallies—and want to update the report and set the record straight. The man has settled down to talking seriously and sensibly about education issues and is beginning to make a significant contribution to the cause of better schools.

He's dropped the bombast in favor of direct, understandable suggestions. He's quit bashing people and is instead lending his support to worthy local, state and national efforts to upgrade education standards and attract better people into teaching.

A speech he made on Aug. 21 to some 6,000 Duval County, Fla., public-school teachers, assembled for the opening of schools in and around Jacksonville, is a good example of the new Bennett. "Given the job they do," he said, "teachers deseve as much praise and thanks and honor as . . . any . . . in our society."

He went on to define, in compelling language, the three tasks Americans expect their schools to perform, tasks so vital that "there is no one more important than teachers to the way of life and the system of government that Americans have chosen":

First, the nurturing of individual abilities to help each child achieve his or her potential, recognizing that "a fulfilled life" is the real definition of freedom.

Second, the transmission to a new generation of "the common culture," the heritage of ideas and experiences, of literature and history, which "define us as the kind of people we are."

And third, the inculcation by precept and example of the values of honesty, generosity, loyalty and self-discipline, which "ultimately determine the kind of nation we are."

Bennett has not stopped at exhortation and praise. Under his leadership, the Department of Education is applying itself to the only function it can really perform in a system where the financing and administra-

tion of schools and colleges are almost entirely in the hands of state and local authorities and private citizens.

That function is to serve as a clearinghouse for good ideas and a prod to useful actions. A while back, Bennett introduced a book called "What Works," a casebook of successful education efforts. A couple of days ago, he followed up with "First Lessons," a report on elementary education with further suggestions of how to shape up the schools. Soon there will be a handbook on what can be done to rid schools of drugs.

At recent meetings with governors and legislators, Bennett has put his prestige behind the effort, now taking shape, to improve the quality of teacher education, to set higher standards for their certification and to recognize schools to enhance both the professional opportunities and the accountability of those in charge. He is supporting much higher pay for superior performance in the classroom, though the Reagan administration has no plans to underwrite these salary improvements.

He does his part in these discussions with a becoming modesty, never failing to point out to those state and local officials, "You have schools. I don't." In corridor conversations he uses what has always been a quick mind to identify areas of agreement with other key players—superintendents, teachers' union officials, students—not to antagonize them.

There are parts of his prescription for education reform that I still oppose—but that's fine. There is plenty of room for experiment and disagreement. But the new Bennett strikes me as a man who is building bridges and using his rhetorical talents to keep the cause of education at the top of the public agenda, where it belongs.

CONSUMER PRODUCT SAFETY

Mr. THURMOND. Mr. President, recently, I read an article authored by Nancy Harvey Steorts, a former Chairman of the U.S. Consumer Product Safety Commission.

I believe her comments to be well informed and thought provoking. Accordingly, I commend it to the attention of my colleagues.

Mr. President, I ask unanimous consent that the article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMBINE FEDERAL REGULATION OF HEALTH AND SAFETY UNDER ONE AUTHORITY

(By Nancy Harvey Steorts)

As chairman of the Consumer Product Safety Commission duing the first term of the Reagan Administration, I feel the agency developed programs that were beneficial to the individual consumer of our nation and resulted in a safer marketplace.

Where does corporate responsibility begin and end? What in fact is the consumer's responsibility? And last buy certainly not least, what is the responsibility of government today?

Deregulation has brought about many pluses, but also some serious minuses. During my tenure as CPSC chairman, we worked closely with industry on the development of standards to protect and benefit the consumer and ultimately the manufacturer as well. Most of the standards improved during my chairmanship were developed with the cooperation of the affected industry and were brought into being on a voluntary basis.

I believe in the "carrot and stick approach" for a regulatory agency. The threat of potential regulation, for most industries, leads to their voluntary development of appropriate standards to ensure a safe product for the customer.

Unsafe products cannot and should not be in the marketplace. Under the Consumer Product Safety Act, any product that is deemed to be unsafe must be reported to the CPSC. The judgment is made after thorough investigation as to whether it will be recalled and/or banned. Some manufacturers fight removal or corrective action programs and spend thousands of dollars in costly legal fees to try to disprove adverse judgment and to avoid penalizing actions. Some are less overt; they deny responsibility and drag their feet. Then there were a few role models from industry who, without a doubt, have the interest and concern of their customers as a No. 1 priority.

Even with the latter, everything is not going to be perfect. There are times in any company's history when the best intentioned manufacturing process has turned out a flawed product. There are times when expected customers' use changes and unexpected problems and crises arise. There are also societal changes that can bring different circumstances and problems to the marketplace.

Over the past few weeks, consumers have once again been threatened and frightened by tampering with consumer products. One headache, one over-the-counter remedy, one death. How sad, how tragic. Tragic for the victim, the family, the manufacturer, the retailer and the free enterprise, over-the-counter system.

Let us examine how this most recent tragic scenario with Tylenol was handled. Johnson & Johnson, under the leadership of chairman James Burke, reacted expeditiously, effectively and wisely. As a management consultant, I find this corporation stands as a leader and the industry role model.

When Burke received the first notification of another potential problem—a possible Tylenol-related death—he did not bury his head, pass the buck, go to the lawyers, close out the press or have a subordinate face the consumer. Let us take a look at what I consider the crucial elements of Johnson & Johnson's responsible corporate behavior:

1. There was no moment of paralysis; there was an immediate take-charge attitude.

2. Concern and attention to detail was at all times apparent. There was gathering of information to see all of the pieces as well the whole.

3. There was two-way communication between the press and the public. The communication has been continuous, welcomed, responded to and appreciated.

4. There was a single spokesman, and one from the top. Burke has been accessible and forthright. (President David Clare was also available and in concert).

As a result Johnson & Johnson appeared united, strong, objective and personally compassionate. This is a corporation on the *offensive* not the *defensive* as they instigated their own investigations and cooperated with others. Their corporate objective was to maintain their company confidence—in their own product and to restore public confidence. Their final decision to recall all of their capsules, to scrap their production and in addition to create new emphasis and direction by promoting the elongated tablets called Caplets will cost Johnson & Johnson as much as $150 million. A small price, however, for credibility and future success.

What was their alternative? Was this the right decision for Johnson & Johnson? They thought so and consumers seem to agree. Should other companies follow suit? This is a tough decision and one that needs to be looked at realistically and individually.

We are not at a stage where, as consumers, we can no longer take our products for granted. We too have a responsibility. We must exert more care when purchasing products to be sure that they have not been tampered with—we need to spend a little longer choosing medication today. We may need to make more choices at the drug counter. If we want a certain brand of medicine, we may not be able to obtain it in the form we have become accustomed to buying; a new consumer attitude may be necessary.

What is the responsibility of government today? Government has the responsibility to serve as a catalyst—to bring about greater awareness of new major consumer issues. Protecting the health and safety of the consumer is an essential function of the federal government. I feel strongly that the time has come for a total review of how the government is addressing these concerns. Is the consumer confused by the various safety agencies and the issues they address? Is the industry confused as to which agency addresses which products?

Just three short years ago, when Johnson & Johnson developed their tamper-resistant packaging through the Food and Drug Administration, it was found (after the new packaging was completed and marketed)—that the tamper resistant packaging affected by $\frac{1}{1000}$ of an inch the child resistant closures that came under the jurisdiction of the CPSC. Confusion! Confusion—both for the manufacturer and for the consumer.

The time has come for a thorough review of the health and safety functions of the United States government. With budget constraints what they are and cutbacks being put into place, the time has come for a coordinated, well-focused health and safety agency that has total regulatory authority, not piecemeal as we have it today.

The time has come to make some changes. A concerned consumer and a concerned industry would be better served if all health and safety functions were put under one agency.

RECESS UNTIL 4:30 P.M.

Mr. DOLE. Mr. President, we are in the process of preparing resolutions with reference to Nick Daniloff, who is being illegally held by the Soviet Government, and also a resolution with reference to the Karachi hijacking incident and the senseless murder in Istanbul that Senators BYRD and myself will introduce but they are not prepared; they have not been cleared with Senators LUGAR and PELL. I guess it would probably take another 30 or 45 minutes to do that. In the meantime, I know the distinguished minority leader is about to meet with 20 mayors and I will be meeting with them following that. So I would ask unanimous consent that we stand in recess until 4:30 p.m.

There being no objection, the Senate, at 3:21 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DURENBERGER].

□ 1630

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNBALANCED U.S. ECONOMIC FORCES

Mr. MELCHER. The dominant and demanding unbalanced U.S. economic forces are the trade and Treasury deficits. If only one of these were in the red, one might bail out the other but the combination, each swimming in $170 billion of red ink, is the making of a national economic catastrophe with severe reverberations throughout the world.

When Kansans see cyclone funnels in the sky, they head for the cellar. President Reagan, an adopted Californian, where earthquakes are recorded after the fact, must be awaiting the reading of the Richter scale to measure the threatened economic disaster after it occurs.

Looming ominously over the U.S. economy is the failure of this administration and Congress to attend to these twin hazards. There is no Reagan trade policy and there is no Reagan deficit policy.

Consider trade first. Each year, the U.S. trade imbalance worsens. And it worsens even in basic industries where we are dominant and more competitive and efficient than other countries.

American agriculture excels in productivity, yet for the past 3 months the United States has imported more food than we export, which apparently does not alarm the White House. It is not that Americans are eating more imported foods Rather, it is that our food exports are dwindling dismally.

We have piles of surplus wheat on the ground for lack of storage in the Wheat Belt. Those piles will be matched in the Corn Belt when this fall's corn crop is harvested. We have spent over $1 billion this year buying up dairy cows to lessen surplus dairy commodities. The additional cows slaughtered drove down beef prices, aggravating cattle producers' losses, without appreciably reducing surplus milk. Government purchase of that surplus adds to the dried milk, butter, and cheese stored in Federal warehouses and along with the other surplus commodities adds to the Treasury deficit by some $2 billion annually just in storage costs.

With all this, the administration has not yet adopted the congressionally mandated agricultural trade policy signed into law by the President last December when he signed the 1985 farm bill. The bill, while permitting basic target price subsidies for farmers to encourage large U.S. agricultural production, set a series of legislated goals to increase agricultural exports. It recognized that those goals could only be met with various types of export promotion and enhancement programs which vary from country to country.

But the Reagan administration has been bogged down in conflicting interdepartmental failures. The Agriculture and State Department are intertwined with the Office of Management and Budget, and all are bogged down in a morass of redtape, each thwarting the other. The President has yet to appoint his Special Adviser on Agricultural Trade and Food Assistance, as mandated in the farm bill, to unsnarl this bureaucratic redtape. The loss of exports in agricultural products, down 40 percent from 1981, is both from commercial sales and from the Food-for-Peace trade building shipments to developing countries.

The strong dollar has declined dramatically and cannot be blamed for the lack of Food-for-Peace shipments of surplus commodities. What must be blamed is the lack of policy.

The second deficit, that is, the Federal deficit, can only be partially corrected by the mechanisms of Gramm-Rudman. Cutting Federal expenditures is a necessity but these cuts do not sufficiently reduce the deficit because of dwindling tax receipts. And revenues decline in part because of the trade imbalance with its consequent loss of jobs and loss of economic activity in the United States. Both deficits must be reduced simultaneously. Without a unified and strong effort to address both concurrently, the U.S. economic future is very grave. Gramm-Rudman is cumbersome at best and might not even produce deficit reduction unless the underlying U.S. economy improves.

In sum and substance, the Reagan administration has failed to address both of these deficits simultaneously. Likewise, Congress has failed. It is a big failure now and a disastrous one unless soon corrected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1650

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 166

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 28, 1986, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, the President is required to make a decision each year on what, if any, pay adjustment should be provided for Federal employees under the General Schedule and the related statutory pay systems.

My pay advisers have reported to me that an increase in pay rates averaging 23.79 percent, to be effective in October 1986, would be required under existing procedures to raise Federal pay rates to comparability with private sector pay rates for the same levels of work. However, the law also empowers me to prepare and transmit to the Congress an alternative plan for the pay adjustment if I consider such an alternative plan appropriate because of "national emergency or economic conditions affecting the general welfare." Furthermore, section 15201(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, requires that, in adjusting rates of pay under the Comparability Act, I achieve savings of at least $746 million in fiscal year 1987 compared to the "baseline" the Congress has used in its budget process. Section 15201(a) also requires that the effective date of the pay adjustment be delayed until January 1987.

Accordingly, after reviewing the reports of my Pay Agent and the Advisory Committee on Federal Pay, after considering the adverse effect that a 23.79 percent increase in Federal pay rates might have on our national economy, and in order to implement the requirements of the Reconciliation Act, I have determined that economic conditions affecting the general welfare require the following alternative plan for this pay adjustment:

"In accordance with section 5305(c)(1) of title 5, United States Code, the pay rates of the General Schedule and the related statutory pay schedules shall be increased by an overall percentage of 2 percent for each schedule, with such increase to

become effective on the first day of the first applicable pay period beginning on or after January 1, 1987."

Accompanying this report and made a part hereof are the pay schedules that will result from this alternative plan, including, as required by section 5382(c) of title 5, United States Code, the rates of basic pay for the Senior Executive Service.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1986.*

EXTENSION OF NATIONAL EMERGENCY WITH RESPECT TO SOUTH AFRICA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 167

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on September 4, 1986, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the South African emergency is to continue in effect beyond September 9, 1986, to the *Federal Register* for publication.

The failure of the South African Government to take adequate step to eliminate apartheid, that Government's security practices, including the recent imposition of another state of emergency, and the persistence of widespread violence continue to endanger prospects for peaceful change in South Africa and threaten stability in the region as a whole. Under these circumstances, I have determined that it is necessary to continue in effect the national emergency with respect to South Africa after September 9, 1986, in order to deal with this unusual and extraordinary threat to the foreign policy and economy of the United States. Additional measures to deal with this threat will be considered upon the completion of consultations with key Allies on joint, effective measures to eliminate apartheid and encourage negotiations for peaceful change in South Africa.

RONALD REAGAN.

THE WHITE HOUSE, *September 4, 1986.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 19, 1986, during the adjournment of the Senate received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills and joint resolution:

S. 410. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

H.R. 1260. An act for the relief of Joe Herring;

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA and for other purposes;

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station;

H.R. 3554. An act to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and for other purposes;

H.R. 4331. An act to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development;

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

H.R. 5395. An act to increase the statutory limit on the public debt;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day"; and

H.J. Res. 713. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bills and joint resolutions were signed on August 19, 1986, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 21, 1986, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills:

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas; and

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bills were signed on August 21, 1986, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1887. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration home loan guaranty program; to amend titles 10 and 38, United States Code, to improve national cemetery programs; and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3129. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

ENROLLED BILL SIGNED

At 4:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4329. An act to authorize United States contributions to the International Fund established pursuant to the November 15, 1985 agreement between the United Kingdom and Ireland, as well as other assistance.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolution, received in the Senate on August 15, 1986, was read, and referred as indicated:

H. Con. Res. 383. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of the bill H.R. 4883; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 3042. An act to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects; and

S. 2765. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3129. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries;

S. 410. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month"; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3651. A communication from the Director of the Congressional Budget Office and the Director of the Office of Management and Budget transmitting, pursuant to law, a report estimating budget levels for 1987 and the initial Sequestration Report for fiscal year 1987; to the Joint Committee on Deficit Reduction.

EC-3652. A communication from the President of the United States transmitting, pursuant to law, a report on the survivability, cost-effectiveness, and combat effectiveness of certain ships for which authorization is being requested for fiscal years 1987 and 1988; to the Committee on Armed Services.

EC-3653. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report assessing the Secretary of Commerce's report on extending foreign policy controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-3654. A communication from the Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction, involving United States exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3655. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report relative to customers bypassing local telephone companies; to the Committee on Commerce, Science, and Transportation.

EC-3656. A communication from the Secretary of Energy transmitting, pursuant to law, the 1985 Annual Report on Federal Government Energy Management; to the Committee on Energy and Natural Resources.

EC-3657. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on 21 refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3658. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on 24 refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3659. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on five refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3660. A communication from the Commissioner of the Bureau of Reclamation transmitting, pursuant to law, a report on the Safety of Dams Program; to the Committee on Energy and Natural Resources.

EC-3661. A communication from the Acting Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the quarterly report on the number of full-time permanent employees hired and promoted between April 1 and June 30, 1986; to the Committee on Environment and Public Works.

EC-3662. A communication from the Acting Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report relative to nondisclosure of nuclear safeguards information by the NRC during the quarter ended June 30, 1986; to the Committee on Environment and Public Works.

EC-3663. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the number of children in foster care pursuant to voluntary placement agreements; to the Committee on Finance.

EC-3664. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the 1985 annual report of the Council; to the Committee on Foreign Relations.

EC-3665. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to August 18, 1986; to the Committee on Foreign Relations.

EC-3666. A communication from the Director of the Office of Information Resources Management, Department of the Interior, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3667. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on a computer matching program with certain State records; to the Committee on Governmental Affairs.

EC-3668. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, a report on a modified Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3669. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use of funds awarded the Aleut Tribe of Indians; to the Select Committee on Indian Affairs.

EC-3670. A communication from the chief judge of the Ninth U.S. Circuit Court of Appeals transmitting, pursuant to law, the circuit's third biennial report on the implementation of section 6 of the Omnibus Judgeship Act of 1978; to the Committee on the Judiciary.

EC-3671. A communication from the National Commander of American Ex-Prisoners of War transmitting, pursuant to law, organization's 1986 audit report; to the Committee on the Judiciary.

EC-3672. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, the annual report of the Interagency Coordinating Council; to the Committee on Labor and Human Resources.

EC-3673. A communication from the Secretary of Education transmitting, pursuant to law, Final Regulations for the Graduate Academic Facilities Program; to the Committee on Labor and Human Resources.

EC-3674. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the report on DOD procurement from Small and Other business firms, October 1985–May 1986; to the Committee on Small Business.

EC-3675. A communication from the Assistant Secretary of Defense transmitting a draft of proposed legislation to authorize recoupment of stipends paid to Armed Forces Health Professions Scholarship Program recipients who fail to complete required active duty; to the Committee on Armed Services.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

The following reports of committees were submitted on August 19, 1986, during the adjournment of the Senate:

By Mr. ANDREWS, from the Committee on Appropriations, with amendments:

H.R. 5205. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1987, and for other purposes (with additional views) (Rept. No. 99-423).

Under the authority of the order of the Senate of August 16, 1986, the following reports of committees were submitted on September 3, 1986:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2792. An original bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 99-424).

By Mr. RUDMAN, from the Committee on Appropriations, with amendments:

H.R. 5161. A bill making appropriations for the Department of Commerce, Justice, State and Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes (Rept. No. 99-425).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1416. A bill entitled the "Government Securities Dealers Act of 1985" (Rept. No. 99-426).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2083. A bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in the Nation's schools, to mandate abatement of hazardous asbestos in the Nation's schools in accordance with those standards, to require local educational agencies to prepare asbestos management plans, and for other purposes (Rept. No. 99-427).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2794. An original bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents (Rept. No. 99-428).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2417. A bill to establish the Aviation Safety Commission, and for other purposes (Rept. No. 99-429).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2935. A bill to promote the consumption of fish and fish products in the United States through the establishment of seafood marketing councils, and for other purposes (Rept. No. 99-430).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 704. A bill to establish an Intercircuit Panel, and for other purposes (Rept. No. 99-431).

S. 2281. A bill to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes (Rept. No. 99-432).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 2683. A bill to make unlawful the laundering of money, and for other purposes (Rept. No. 99-433).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments and an amendment to the title:

S. 2648. A bill to improve the public health through the prevention of childhood injuries (Rept. No. 99-434).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 2793. An original bill to amend the Public Health Service Act to make various technical revisions, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the nomination of William H. Rehnquist to be Chief Justice of the United States (with additional, minority, and supplemental views) (Exec. Rept. No. 99-18).

Report to accompany the nomination of Antonin Scalia to be Associate Justice of the U.S. Supreme Court (Exec. Rept. 99-19).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for Mr. BUMPERS (for himself and Mr. PRYOR)):

S. 2795. A bill to improve agricultural price support for the 1987 through 1990 crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHILES:

S.J. Res. 407. A joint resolution designating November 12, 1986, as "Salute to School Volunteers Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. BYRD, Mr. LUGAR, Mr. PELL, Mr. GORTON, Mr. DURENBERGER, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. FORD, Mr. EXON, Mr. BENTSEN, and Mr. DECONCINI):

S. Res. 486. A resolution relating to the arrest of U.S. correspondent Nicholas Daniloff; submitted and read.

By Mr. BYRD (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. BENTSEN, Mr. FORD, and Mr. DECONCINI):

S. Res. 487. A resolution condemning the recent acts of terrorism in Pakistan and Turkey; submitted and read.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for Mr. BUMPERS, for himself and Mr. PRYOR):

S. 2795. A bill to improve agricultural price support programs for the 1987 through 1990 crops, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry:

AGRICULTURAL PROGRAMS IMPROVEMENT ACT

● Mr. BUMPERS. Mr. President, the bill I am introducing today along with Senator PRYOR is a bold response to a crisis in agriculture that demands bold and decisive action. Thousands of farmers in Arkansas, and hundreds of thousands of farmers across America, are literally hanging on by their thumbs.

It was imperative that we pass a Farm Act late last year, and I joined the effort to get a bill adopted. I realized that there were serious deficiencies in the bill and I promised my farmers that I would work to correct those deficiencies. A few were corrected this spring, but many problems remain.

Too many features of the 1985 farm bill were discretionary with the Secretary, and he has consistently adopted the option that is the least beneficial to our farmers. The lack of effective action by the Secretary, coupled with the flaws found in the 1985 Farm Act, has caused the condition of American agriculture to deteriorate even more.

During the past 5 years, farm income has fallen to $16 billion a year, 55 percent below the 1977-80 average. Also, over the last 5 years, the market value of farmland and equipment has plummeted $76 billion annually, meaning that the financial condition of our farmers has declined $60 billion a year. Over one-third of all commercial farms still face severe financial distress, a sector that accounts for 90 percent of all production. Total agricultural debt exceeds $215 billion, more than the debt owed by Brazil and Mexico combined, an amount far too large for farmers to cash flow at present prices. The United States now imports more food products than it exports and our agriculture exports have plummeted from $41.3 billion in 1981 to the projected $26.5 billion in 1986.

And I have not even talked about the severe emotional distress this situation is causing our farm families. I wish every Member of this body could come back to Arkansas with me and visit with my farmers, and to see the hollow look in some of their eyes. Many of them are so discouraged because they see no hope in sight and they see a government which they think is willing to hang them out to dry.

Mr. President, we must save our family farmers. We in Congress must take bold and decisive action to save our agriculture economy.

I am inserting a detailed summary of the legislation I have drafted. In a nutshell, it would:

Provide export assistance by implementing a marketing loan program for wheat, soybeans, and feed grains to complement the similar programs already in place for rice and cotton. This will help us expand our export sales, protect net farm income, aid U.S. livestock producers, and reduce our burdensome commodity carryovers.

Reduce the spread between the loan rate and the target price by raising the loan rate. This in turn will:

Ease pressure on producers bumping the $50,000 limit;

Reduce total U.S. income support payments while increasing price support protection; and

Provide more up-front money to producers during the critical months;

Eliminate cross compliance and offsetting compliance;

Revise the base and program yield formulas so that our southern crops will not be discriminated against;

Require the Secretary to provide timely advance CCC recourse loans to prevent at least in part the kind of credit disaster many faced attempting to arrange financing for 1986 crop production.

Provide assistance to soybean producers by maintaining the $5.02 loan rate while requiring the Secretary to implement either a marketing loan or a producer option payment program.

Mr. President, I ask unanimous consent that a more detailed summary of the legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF BUMPERS-PRYOR FARM BILL PROPOSAL

The bill simplifies the Food Security Act of 1985 by implementing a variation of the marketing loan concept for each program crop, including soybeans. The bill will also freeze price support loan levels and target prices through 1990, and it provides for a simpler and more equitable method for determining bases and program yields. Here is a summary of the bill's provisions.

(A) *Soybeans.*—The bill will require the Secretary to freeze the price support loan rate at $5.02 per bushel through 1990. The Secretary is required to choose between two export enhancement programs: Plan A, which calls for a marketing loan, or Plan B, which provides for a producer option payment (POP). The POP is set at 20% of the loan rate or $1 per bushel. A producer who agrees to forgo loan protection or who redeems soybeans under loan will be eligible for this payment. Both options will prevent massive amounts of soybeans from being forfeited to the government.

(B) *Cotton.*—The bill freezes the price support loan rate ($.57 per lb.) and the target price ($.81 per lb.) at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 75% of the loan rate to compensate for the higher loan rate.

(C) *Rice.*—As with cotton, the bill makes few changes. The price support loan rate ($8 per cwt.) and the target price ($11.90 per cwt.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 45% in 1987, 55% in 1988, and 65% in 1989 and 1990. The Secretary, as in all the program crop sections, is required to offer loan deficiency protection to rice producers who opt to forgo loan and target protection.

(D) *Wheat.*—For 1987 through 1990, the loan rate will be frozen at the 1985 level of $3.30 per bushel, and the target price will be frozen at $4.38 per bushel. For the same years, the Secretary will be required to implement a marketing loan whereby a producer will be allowed to redeem a wheat loan at the world market price level. For producers who wish to forgo loan and target protection, the Secretary is also required to offer a loan deficiency payment, the difference between the world market price and the loan rate, as an incentive.

The bill gives the Secretary the authority to use marketing certificates, guaranteed in value, in the marketing loan program for up to one-half of the loan deficiency that a producer is allowed to retain. The price floor for the marketing loan program is set at 65% of the loan rate. Also, the Secretary is required to implement a marketing certificate program for exporters should the marketing loan repayment rate exceed the prevailing world marketing price for wheat.

(E) *Feed grains.*—This section of the bill closely resembles the wheat section. The price support loan rate (2.55 per bushel) and the target price ($3.03 per bushel) for the years 1987 through 1990 will be frozen at the 1985 levels. The Secretary will be required to implement a marketing loan and to provide loan deficiency payments to producers who wish to forgo loan and target protection.

As with wheat, the Secretary will have the authority to use marketing certificates in conjunction with the marketing loan program. The price floor for the marketing loan is set at 65% of the loan rate. Also, the Secretary must implement a marketing certificate program for exporters if the marketing loan repayment rate exceeds the prevailing world price for feed grains.

(F) *Cross compliance.*—The bill eliminates the Secretary's authority to announce cross compliance, limited cross compliance, or offsetting compliance in any form.

(G) *Advance recourse commodity loans.*—The Secretary is required to make advance recourse CCC loans available to producers of program crops and soybeans beginning with the 1987 crop year.

(H) *Crop acreage bases.*—The acreage base provisions of the 1985 farm bill are simplified. Producers of rice, cotton, wheat, and feed grains will have bases for these crops equal to the average of the acreage planted or considered planted to these crops over the last five years, excluding those years in which no crop was planted or considered planted. However, no more than three crop years can be excluded.

(I) *Farm program payment yield.*—The revisions included in my bill will eliminate the penalty against productive farmers and it will return the 1985 crop years into the yield calculations. For 1987 through 1990, the payment yield will be the average of the actual yield for that crop over the five crop years immediately preceding, throwing out the high and low years. The Secretary is required to allow use of area averages, not just county averages, for farms with new production of program crops, and he may establish a new yield for farms that have been hit by natural disaster. Also, if the use of the above formula does not adequately reflect the productive potential of any farm, the Secretary must establish a more accurate program yield.

Mr. BUMPERS. Mr. President, I want to urge every Member of the Senate, and especially those Senators from farm States, to take a close look at this legislation. It contains provisions which are vitally important to our farmers and must be adopted. Of immediate concern to me is the plight of our soybean farmers. Just last week Secretary Lyng announced that he was dropping the soybean price support from $5.02 per bushel down to $4.77 per bushel. In doing this, he is essentially thumbing his nose at the Senate, which unanimously adopted my amendment to the debt limit extension bill strongly urging him to retain the $5.02 rate. This legislation retains the $5.02 rate through 1990.

I want to urge the Senate Agriculture Committee to schedule immediate hearings on this legislation and to give it thoughtful and serious consideration.●

● Mr. PRYOR. Mr. President, today, Senator BUMPERS and I are introducing a piece of agricultural legislation that mandates the expansion of the marketing loan concept originally set forth in the 1985 Food Security Act to all program crops, including soybeans.

The 1985 farm bill incorporated a mandatory marketing loan program for rice—a concept Senator COCHRAN and I had originally proposed for all program crops. At the same time it gave the Secretary of Agriculture the discretion to implement this program for all other program crops.

Despite the success of the marketing loan program for rice, the Secretary of Agriculture has failed to act in utilizing this authority for other programs.

The bill we are introducing today will mandate a variation of the marketing loan concept for each program crop, including soybeans, while freezing price support loan levels and target prices through 1990. It also provides for a simpler, more equitable method for determining bases and program yields. After spending over a year's time in debating and formulating a new farm program the Congress finally passed a new program in late December of 1985. This new farm bill provided hope for all of agriculture to once again become price competitive while at the same time redefining Government's relationship with the American farmer.

Throughout that bill, we provided the Secretary of Agriculture discretionary authority so that he could have greater flexibility in utilizing the tools needed to allow American agriculture once again to compete and hopefully recover and prosper. However, from the writing of program regulations to program announcements, we have seen a complete ignoring of these discretionary authorities. It has been

frustrating at best to see many parts of our new bill being totally ignored or the intent completely misinterpreted by bureaucratic regulation writers.

American agriculture needs help. It is time to do what has to be done. No longer can we allow the Department of Agriculture to issue program regulations that fit their ideas of how agriculture programs should be written and snub their nose at the Congress and how the laws were actually written and meant to be implemented.

It is put up or shut up time for farm programs. The 1985 farm bill implemented Senator COCHRAN's and my marketing loan concept. This concept defined Government's support to farmers while at the same time allowing his commodity to be market competitive. It encourages sales and not production for Government storage. The rice marketing loan was implemented on April 15 and terminated on June 30. In that short space of time American rice producers recaptured markets and sold the majority of the 1985 crop that was destined for Government forfeiture without a marketing loan option.

I hear all the criticism about cost but I have yet seen figures from anyone that talk about net costs—costs that take into consideration savings from interest, storage, and acquisition costs. By some of my crude calculations the April 15 to June 30 marketing loan period netted savings in excess of $200 million for the rice program while at the same time recapturing lost rice markets. Cotton's similar program is also looking good at allowing cotton producers once again to compete and hopefully regain lost traditional American cotton markets.

Mr. President, I want all our commodities to have the marketing loan. I believe wheat, corn, soybeans, and our other major commodities can also enjoy the benefits a marketing loan presents. Our farmers deserve for our Government to utilize all its available tools to help strengthen American agriculture. We have waited for the Secretary to announce a marketing loan for other major programs—an announcement that can be made within his broad discretionary authority, but it hasn't come. Therefore, I am joining Senator BUMPERS in an effort to mandate a program that I think will allow our American commodities to compete and allow American agriculture to recover.

The freezing of target prices and loan rates provides the needed income to allow farmers to survive and cashflow their loans. By freezing these rates till 1990, we stabilize income to our producers when they need it the most and by implementing the marketing loan, we allow the crops to be price competitive.

Mr. President, we have debated farm programs back and forth, over and over, countless times in the Senate. Let's realize how serious agriculture's future is and let's finally realize it's time to take action. Let's define Government's support of agriculture and at the same time provide a program that is aggressive and profarmer in helping him recapture his lost traditional marketplace.

Mr. President, I am reaffirming my support for American agriculture. I am proud to join my colleague Senator BUMPERS in working for solutions to agriculture's problems.

Mr. President, at this point I would like to ask unanimous consent to print in the RECORD a summary of our legislation.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The bill we have drafted embodies a simple concept. It simplifies the Food Security Act of 1985 by implementing a variation of the marketing loan concept for each program crop, including soybeans. The bill will also freeze price support loan levels and target prices through 1990, and it provides for a simpler, more equitable method for determining bases and program yields. Here is a summary of the bill's provisions.

(A) *Wheat.*—for 1987 through 1990, the loan rate will be frozen at the 1985 level of $3.30 per bushel, and the target price will be frozen at $4.38 per bushel. For the same years, the Secretary will be required to implement a marketing loan whereby a producer will be allowed to redeem a wheat loan at the world market price level. For producers who wish to forgo loan and target protection, the Secretary is also required to offer a loan deficiency payment, the difference between the world market price and the loan rate, as an incentive.

The bill gives the Secretary the authority to use marketing certificates, guaranteed in value, in the marketing loan program for up to one-half of the loan deficiency that a producer is allowed to retain. The price floor for the marketing loan program is set at 65% of the loan rate. Also, the Secretary is required to implement a marketing certificate program for exporters should the marketing loan repayment rate exceed the prevailing world marketing price for wheat.

(B) *Feed grains.*—This section of the bill closely resembles the wheat section. The price support loan rate ($2.55 per bushel) and the target price ($3.03 per bushel) for the years 1987 through 1990 will be frozen at the 1985 levels listed above. The Secretary will be required to implement a marketing loan and to provide deficiency payments to producers who wish to forgo loan and target protection.

As with wheat, the Secretary will have the authority to use marketing certificates in conjunction with the marketing loan program. The price floor for the marketing loan is set at 65% of the loan rate. Also, the Secretary must implement a marketing certificate program for exporters if the marketing loan repayment rate exceeds the prevailing world price for feed grains.

(C) *Cotton.*—Fewer changes have been suggested for the cotton section. As with all program crops, the price support loan rate ($.57 per lb.) and the target price ($.81 per lb.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 75% of the loan rate to compensate for the higher loan rate.

(D) *Rice.*—As with cotton, the bill makes few changes. The price support loan rate ($8 per cwt.) and the target price ($11.90 per cwt.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 45% in 1987, 55% in 1988, and 65% in 1989 and 1990. The Secretary, as in all the program crop sections, is required to offer loan deficiency protection to rice producers who opt to forgo loan and target protection.

(E) *Soybeans.*—This bill will require the Secretary to freeze the price support loan rate at $5.02 per bushel through 1990. The Secretary is required to choose between two expert enhancement programs: Plan A, which calls for a marketing loan, or Plan B, which provides for a producer option payment (POP). The POP is set at 20% of the loan rate on $1 per bushel. A producer who agrees to forego loan protection or who redeems soybeans under loan will be eligible for this payment. Both options will prevent massive amounts of soybeans from being forfeited to the government.

(F) *Cross Compliance.*—The bill eliminates the Secretary's authority to announce cross compliance, limited cross compliance, or off-setting compliance in any form.

(G) *Advance recourse commodity loans.*—The Secretary is required to make advance recourse CCC loans available to producers of program crops and soybeans beginning with the 1987 crop year.

(H) *Crop acreage bases.*—The provisions of the 1985 farm bill are simplified. Producers of rice, cotton, wheat, and feed grains will have bases for these crops equal to the average of the acreage planted or considered planted to these crops over the last five years, excluding those years in which no crop was planted or considered planted. However, no more than three crop years can be excluded.

(I) *Farm program payment yield.*—The revisions included in my bill will eliminate the penalty against productive farmers and it will return the 1985 crop years into the yield calculations. For 1987 through 1990, the payment yield will be the average of the actual yield for that crop over the five crop years immediately preceding, throwing out the high and low years. For farms with new production of program crops or that have been hit by natural disasters, the Secretary is required to allow use of area average, not just county average, for the farmers, and he may establish a new yield for the latter. Also, if the use of the above formula does not adequately reflect the productive potential of any farm, the Secretary must establish a more accurate program yield.●

By Mr. CHILES:

S.J. Res. 407. Joint resolution designating November 12, 1986, as "Salute to School Volunteers Day;" to the Committee on the Judicary.

SALUTE TO SCHOOL VOLUNTEERS DAY

● Mr. CHILES. Mr. President, I hope my colleagues will join me supporting this joint resolution which would designate November 12, 1986, as "Salute to School Volunteers Day."

The joint resolution provides national recognition of and support for one of the truly remarkable features of the school reform movement which is now sweeping the country, namely, an

explosion of citizen volunteerism on behalf of better schools for our children. Sparked by the National School Volunteer Program, spontaneous local school-sponsored efforts, and a host of school-business partnerships and adopt-a-school programs in hundreds of communities, volunteers—over 4 million of them—are helping our dedicated professional staffs to reach and teach the children and young people who will determine the quality of America's future.

The joint resolution recognizes and honors "the magnitude, quality, and selflessness" of those who, in a long and honorable American tradition, volunteer to help others. I believe that it will encourage more school districts and States to setup volunteer efforts and, in that way, tap the wisdom and skills of millions of Americans who care about our schools.●

ADDITIONAL COSPONSORS

S. 519

At the request of Mr. EVANS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 519, a bill to require a study of the compensation and related systems in executive agencies, and for other purposes.

S. 1060

At the request of Mr. D'AMATO, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1060, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979.

S. 1090

At the request of Mr. HELMS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1090, a bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes.

S. 1430

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1430, a bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning acquired immune deficiency syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus.

S. 1563

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1563, a bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 1566

At the request of Mr. DENTON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1566, a bill to extend the Family Life Demonstration Program for 3 years.

S. 1880

At the request of Mr. GORTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1880, a bill to amend the Internal Revenue Code of 1954 to clarify the treatment of travel expenses in the case of construction workers.

S. 1903

At the request of Mr. DANFORTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1903, a bill to improve the safe operations of commercial motor vehicles, and for other purposes.

S. 2037

At the request of Mr. DURENBERGER, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2037, a bill to create a fiscal safety net program for needy communities.

S. 2417

At the request of Mr. BYRD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2417, a bill to establish the Aviation Safety Commission, and for other purposes.

S. 2471

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2471, a bill to establish an Office of Inspector General in the Nuclear Regulatory Commission, and for other purposes.

S. 2479

At the request of Mr. TRIBLE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2479, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2665

At the request of Mr. SYMMS, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2665, a bill to amend the national maximum speed limit law.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2699

At the request of Mr. SPECTER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2699, a bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets to use such assets for youth drug abuse prevention and rehabilitation.

S. 2715

At the request of Mr. CHILES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2715, a bill to provide an emergency Federal response to the crack cocaine epidemic through law enforcement, education and public awareness, and prevention.

S. 2770

At the request of Mr. COCHRAN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 2770, a bill to amend the Farm Credit Act of 1971 to provide the opportunity for competitive interest rates for the farmer, rancher, and cooperative borrowers of the Farm Credit System, and for other purposes.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the names of the Senator from Alabama [Mr. DENTON], the Senator from South Dakota [Mr. ABDNOR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Washington [Mr. EVANS], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Maryland [Mr. SARBANES], the Senator from Virginia [Mr. TRIBLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week."

SENATE JOINT RESOLUTION 339

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 339, a joint resolution to designate the week of November 30, 1986, through December 6, 1986, as "National Home Care Week."

SENATE JOINT RESOLUTION 359

At the request of Mr. NICKLES, the names of the Senator from New

Hampshire [Mr. HUMPHREY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 359, a joint resolution to designate March 17, 1987, as "National China-Burma-India Veterans Association Day."

SENATE JOINT RESOLUTION 373

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. LAXALT], the Senator from Alabama [Mr. DENTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Dakota [Mr. ABDNOR], the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Florida [Mrs. HAWKINS], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Massachusetts [Mr. KERRY], were added as cosponsors of Senate Joint Resolution 373, a joint resolution designating the week beginning May 10, 1987 as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 391

At the request of Mr. LUGAR, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 391, a joint resolution to designate August 12, 1986, as "National Civil Rights Day."

SENATE JOINT RESOLUTION 402

At the request of Mr. LUGAR, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 402, a joint resolution designating July 2 and 3, 1987, as the "United States-Canada Days of Peace and Friendship."

SENATE JOINT RESOLUTION 405

At the request of Mr. GLENN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mrs. HAWKINS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. STENNIS], and the Senator from South Carolina [Mr. THURMOND], were added as cosponsors of Senate Joint Resolution 405, a joint resolution to designate September 11, 1986, as 9-1-1 Emergency Number Day."

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. LUGAR], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Florida [Mr. CHILES], were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Urkrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 464

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SPECTER], was added as a cosponsor of Senate Resolution 464, a resolution to designate October 1986 as "Crack/Cocaine Awareness Month."

SENATE RESOLUTION 486—RELATING TO THE ARREST OF U.S. CORRESPONDENT NICHOLAS DANILOFF

Mr. DOLE (for himself, Mr. BYRD, Mr. LUGAR, Mr. PELL, Mr. GORTON, Mr. DURENBERGER, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. FORD, Mr. EXON, Mr. BENTSEN, Mr. DECONCINI, and Mr. MATTINGLY) submitted the following resolution; which was laid before the Senate:

S. RES. 486

I. Whereas the arrest and indictment on trumped up charges by the government of the Soviet Union of Nicholas Daniloff, American correspondent for U.S. News & World Report, is in clear contravention of accepted standards of international law and civil liberties;

II. Whereas the treatment of Mr. Daniloff is an inexcusable denial of the rights of a journalist to engage in the legitimate pursuit of his profession and a violation of Soviet obligations as a signatory of the Final Act of the Helsinki Accords guiding relations between participating states, specifically Basket III, Section 2, Article (c), Principles for the Improvement of Working Conditions for Journalists, which state that "• • • the participating states reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them."

III. Whereas the actions of the Soviet government further violate the spirit and letter of the provisions adopted at the review of the Helsinki Accords held in Madrid in March, 1983, specifically Basket III, Cooperation in Humanitarian and other Fields, which affirms that the participaint states ". . . will also consider ways and means to assist journalists from other participating states and thus enable them to resolve practical problems they may encounter . . ." and ". . . further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources: Now, therefore, be it

Resolved by the Senate of the United States, That the Senate

1. condemns the Soviet Union for the unjustifiable arrest and indictment of Nicholas Daniloff and demands his immediate and unconditional release from custody by the Soviet Union,

2. expresses it deep concern that the failure of the Soviet Union to immediately and justly resolve this matter threatens to undermine constructive relations between the United States and the Union of Soviet Socialist Republics and jeopardizes the hoped for Summit Meeting between President Reagan and General Secretary Gorbachev, and

3. urges that all responsible news gathering and news accrediting organizations that provide support, membership or other privileges to Soviet news organizations should consider appropriate actions to underscore the demand for Daniloff's release.

SENATE RESOLUTION 487—CONDEMNING RECENT ACTS OF TERRORISM IN PAKISTAN AND TURKEY

Mr. BYRD (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. BENTSEN, Mr. FORD, and Mr. DECONCINI) submitted the following resolution; which was laid before the Senate:

S. RES. 487

Whereas the recent terrorist attacks in Karachi, Pakistan, and Istanbul, Turkey, demonstrate that international terrorism remains a principal threat to human life and democratic values;

Whereas the hijacking of Pan American Flight 73, which ended in the loss of many lives at Karachi International Airport, and the murder of 22 Turkish Jews as they worshiped in an Istanbul Synagogue, underscore the continued need for action against international terrorism and for all civilized nations to redouble their efforts to eradicate this scourge; and

Whereas the United States should seize the initiative to expand international cooperation and coordination in the campaign against terrorism, and should be supported in that effort by its allies, and all other responsible nations: Now, therefore, be it resolved that, the Senate

(1) condemns vigorously the most recent terrorist acts in Karachi, Pakistan, and Istanbul, Turkey, and offers its deepest sympathies and condolences to the victims of those attacks, and to their families;

(2) declares that international terrorism is a scourge which effects, ultimately, all nations, and that all civilized and responsible nations of the world should expand their efforts to combat this scourge;

(3) urges close international cooperation in the swift prosecution and punishment of those responsible for these crimes; and

(4) urges the President to take the following actions—

(A) place the subject of terrorism and the urgent need for international cooperation, including cooperation between the United States and the Soviet Union, in combatting this scourge on the agenda of any future U.S.-Soviet summit meeting;

(B) make increased antiterrorism cooperation a high priority subject at every appropriate opportunity he has with the leaders of the allies and friends of the United States;

(C) Redouble efforts to establish an international antiterrorism committee as called for in recently enacted legislation (PL 99-399) so that civilized countries may better cooperate in responding to these barbarous acts.

(D) actively utilize existing rewards-for-information authorities to assist in apprehending and bringing to justice all those responsible for these reprehensible crimes.

(E) consider taking appropriate constiutional measures against the individuals responsible for these heinous crimes.

AMENDMENTS SUBMITTED

REHABILIATION ACT AMENDMENTS

EAGLETON (AND DANFORTH) AMENDMENT NO. 2773

Mr. BYRD (for Mr. EAGLETON, for himself and Mr. DANFORTH) proposed an amendment to the bill (S. 2515) to reauthorize the Rehabilitation Act of 1973, and for other purposes; as follows:

At the appropriate place, insert the following:

MAINTENANCE OF EFFORT

SEC. . (a) Notwithstanding any other provision of the Education of the Handicapped Act, the Secretary and the State educational agency, in the case of section 614(a)(2)(B)(ii) of that Act, shall not include expenditures made from an accrued fund reserve surplus after July 1, 1983, which are used for services for handicapped children.

(b) The amendment made by subsection (a) shall take effect with respect to fiscal years beginning after September 30, 1983.

NOTICES OF HEARINGS

SENATE IMPEACHMENT TRIAL COMMITTEE

Mr. MATHIAS. Mr. President, I wish to announce that the Senate Impeachment Trial Committee, appointed upon the adoption of Senate Resolution 481, pursuant to rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, will meet in SR-301, Russell Senate Office Building, on Wednesday, September 10, 1986, at 8:30 a.m. to consider the pretrial motions filed by counsel for Hon. Harry E. Claiborne and by the managers for the House of Representatives, and other matters relating to the impeachment trial.

For further information concerning this meeting, please contact Tony Harvey or Byron Hoover of the Senate Impeachment Trial Committee staff at extension 40291.

Mr. President, I wish to announce that the Senate Impeachment Trial Committee, appointed upon the adoption of Senate Resolution 481, pursuant to rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, will meet in the caucus room of the Russell Senate Office Building (SR-325) from 9 a.m. to 12 p.m. and from 2 p.m. to 5 p.m. on the following days: Monday, September 15, 1986; Tuesday, September 16, 1986; Wednesday, September 17, 1986; Thursday, September 18, 1986; and Friday, September 19, 1986; to receive evidence and take testimony in the impeachment trial of Hon. Harry E. Claiborne.

For further information concerning these meetings, please contact Tony Harvey or Byron Hoover of the Senate Impeachment Trial Committee staff at extension 40291.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, September 16, 1986, 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2781, the National Appliance Energy Conservation Act of 1986.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Mr. Al Stayman at (202) 224-2366.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that a public hearing has been scheduled before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on Tuesday, September 23, 1986, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building, Washington, DC 20510.

Testimony will be received on the following measures: S. 2029 and H.R. 4090, to establish the Big Cypress National Preserve addition in the State of Florida, and for other purposes; S. 2442 and H.R. 4811, to establish the San Pedro Riparian National Conservation Area in Cochise County, AZ, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes; H.R. 2921, to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes; S. 2707 and H.R. 2826, to amend the Wild and Scenic Rivers Act by designating a segment of the Horsepasture River in the State of North Carolina as a component of the Wild and Scenic Rivers System.

Those wishing to testify should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, room SD-308, Dirksen Senate Office Building, Washington, DC 20510. Oral testimony may be limited to 3 minutes per witness. Written statements may be longer. Witnesses may be placed in panels, and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 25 copies on the day of the hearing. For further information, please contact Patty Kennedy or Tony Bevinetto of the subcommittee staff at (202) 224-0613.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Thursday, September 11, 1986, at 10 a.m., in Senate Dirksen 562 on S. 1177, a bill to establish a special magistrate with jurisdiction over Federal offenses within Indian country and to authorize tribal and local police officers to enforce Federal laws within their respective jurisdictions, and for other purposes.

Those wishing additional information should contact Max I. Richman of the committee at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry, has scheduled a full committee hearing to consider the nomination of Walter K. Miller, of Wisconsin, to be Administrator of the Federal Grain Inspection, Service, ISDA.

The hearing will begin at 10 a.m., Wednesday, September 10, 1986, in 332 Russell Senate Office Building.

For further information please contact the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, September 8, to receive testimony on H.R. 1202, a bill to authorize appropriations to carry out fish and wildlife conservation and natural resources management programs on military reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE IMPEACHMENT TRIAL COMMITTEE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Impeachment Committee be permitted to meet during sessions of the Senate for the remainder of the 99th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 8, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1986 and 1987. The estimated totals of budget authority, outlays, and revenues for each fiscal year are compared to the appropriate or recommended levels contained in the most recent budget resolutions, S. Con. Res. 32 for fiscal years 1986, and S. Con. Res. 120 for fiscal year 1987. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through August 15, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report the President has signed the Financial Assistance for the Northern Marianas Act, Public Law 99-396, the Omnibus Diplomatic Security and Anti-Terrorism Act, Public Law 99-399, the Children's Justice and Assistance Act of 1986, Public Law 99-401, and Public Law 99-384, increasing the limit on the public debt.

With best wishes,
Sincerely,

RUDOLPH G. PENNER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[Fiscal year 1986, and in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 32	Current level +/− resolution
Budget authority	1,053.0	1,069.7	−16.7
Outlays	980.0	967.6	12.4
Revenues	778.5	795.7	−17.2
Debt subject to limit	2,100.0	[2] 2,078.7	21.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,111.0 billion.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[Fiscal year 1987, and in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 32	Current level +/− resolution
Budget authority	636.2	1,093.4	−457.1
Outlays	737.3	995.0	−257.7
Revenues	845.6	852.4	−6.8
Debt subject to limit	2,100.0	[2] 2,322.8	−222.8
Direct loan obligations	20.4	34.6	−14.1
Guaranteed loan commitments	33.1	100.8	−67.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,111.0 billion.

FISCAL YEAR 1986—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			777,794
Permanent appropriations and trust funds	723,461	629,772	
Other appropriations	525,778	544,947	
Offsetting receipts	−188,561	−188,561	
Total enacted in previous sessions	1,060,679	986,159	777,794
II. Enacted this session:			
Commodity Credit Corporation Urgent Supplemental Appropriation, 1986 (Public Law 99-243)			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251)		4	
VA Home Loan Guarantee Amendments (Public Law 99-255)		−51	
Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272)	−4,259	−6,001	765
Department of Agriculture Urgent Supplemental, 1986 (Public Law 99-263)			
Advance to Hazardous Substance Response Trust Fund (Public Law 99-270)			
FHA and GNMA Credit Commitment Assistance Act (Public Law 99-289)		−380	
Federal Employees Retirement Act of 1986 (Public Law 99-335)			−90
Temporary Extension of Certain Housing Programs (Public Law 99-345)		−304	
Military Retirement Reform Act (Public Law 99-348)	−25		
Urgent Supplemental Appropriations, 1986 (Public Law 99-349)	−3,508	475	
Panama Canal Commission Authorizing Act (Public Law 99-368)	18	16	
Total	−7,773	−6,240	675
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Compact of free association	3	3	
Special benefits (Federal employees)	14	14	
Family social services	100	75	
Payment to civil service retirement [1]	(37)	(37)	
Total entitlements	118	93	
Total current level as of Aug. 15, 1986	1,053,024	980,012	778,469
1986 budget resolution (S. Con. Res. 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution		12,412	
Under budget resolution	16,676		17,231

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1987—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF AUGUST 15, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			843,799
Permanent appropriations and trust funds	733,558	647,692	
Other appropriations		195,861	
Offsetting receipts	−163,823	−163,823	
Total enacted in previous sessions	569,735	679,730	843,799
II. Enacted this session:			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251)		2	
Technical Corrections Amendments to Food Security Act (Public Law 99-253)	50	50	
VA Home Loan Guarantee Amendments (Public Law 99-255)		49	
Food Security Improvements Act of 1986 (Public Law 99-260)	−115	−115	
White Earth Reservation Land Settlement Act of 1985 (Public Law 99-264)	10	10	
Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law 99-272)	155	−3,553	2,503
FHA and GNMA Credit Commitment Assistance Act (Public Law 99-289)		−178	
Federal Employees' Retirement System Act of 1986 (Public Law 99-335)	−150	−1,670	−666
Judicial Improvements Act (Public Law 99-336)	2		
Temporary Extension of Certain Housing Programs (Public Law 99-345)		−85	
Military Retirement Reform Act (Public Law 99-348)	−47	146	
Urgent Supplemental Appropriations, 1986 (Public Law 99-349)	−278	−914	
Panama Canal Commission Authorizing Act (Public Law 99-368)		2	

FISCAL YEAR 1987—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF AUGUST 15, 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Omnibus Diplomatic Security and Anti-Terrorism Attack Act (Public Law 99-399)	1	1	
Children's Justice and Assistance Act (Public Law 99-401)	10		
Total enacted this session	−362	−6,254	1,837
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund	126	126	
Claims, defense	156	150	
Payment to the foreign service retirement trust fund [2]	(173)	(173)	
Range improvements	10	7	
BLM: Miscellaneous trust fund	([1])	([1])	
Compact of free association	42	42	
Administration of territories	35	30	
Payments to air carriers, DOT	32	30	
Retired pay—Coast Guard	370	341	
Maritime, operating-differential subsidies		297	
BIA: Miscellaneous trust funds	1	1	
Social services block grant	2,700	2,538	
Family social services	758	584	
Guaranteed student loans	3,219	2,580	
Higher education facilities loans and insurance	19		
Government payment for annuitants	1,459	1,301	
Retirement pay for PHS officers	83	81	
Medicaid	19,595	19,241	
Medical facilities guarantee and loan fund	20	19	
Payments to health care trust funds [2]	(20,826)	(20,826)	
Special milk program	16	11	
Child nutrition programs	4,212	3,791	
Federal unemployment benefits and allowances	103	102	
Advances to unemployment trust fund [2]	(9)	(9)	
Special benefits (general retirement and Federal employee retirement)	257	257	
Black lung disability trust fund	549	549	
Supplemental security income	7,846	7,846	
Special benefits for disabled coal miners	698	638	
Assistance payments	7,350	7,350	
Child support enforcement	599	583	
Payments to social security trust funds [2]	(501)	(501)	
Veterans insurance and indemnities	5	4	
Veterans readjustment benefits	750	723	
Veterans compensation	10,300	9,360	
Veterans pensions	3,684	3,385	
Veterans burial benefits	138	138	
Salaries of judges	104	103	
Fees and expenses of witnesses	46	37	
Compensation of the President	([1])	([1])	
Payment to civil service retirement trust fund [2]	(4,557)	(4,557)	
National wildlife refuge fund	6	6	
Military pay raises and benefits	1,566	1,539	
Total entitlements	66,855	63,793	
Total current level as of August 15, 1986	636,227	737,268	845,636
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution			
Under budget resolution	457,123	257,732	6,764

[1] Less than $500 thousand.
[2] Interfund transactions do not add to budget totals.
Note.—Numbers may not add due to rounding.

CRIME AND PUNISHMENT IN MODERN AMERICA

● Mrs. HAWKINS. Mr. President, as the Members of this body know, the attention of the country is focused as never before upon the problem of drug abuse. Well before the media spotlight was aimed at the drug abuse problem, First Lady Nancy Reagan led the way in publicizing the dangers of drug use. The South Florida Task Force, which Vice President GEORGE BUSH established, is an example of the fine leadership the administration has shown in this area.

Sadly, drug abuse is but one aspect of an even larger problem: crime in America. The crime problem touches each American—the inner city grade school student, pressured by his peers to try marijuana, crack, and other drugs; the elderly woman who during the heat of August is too afraid of burglars to open her apartment window; the Wall Street broker who is pressured to look the other way while his clients and peers engage in insider trading. Crime in America saps our moral vigor and robs us of our hard-earned savings.

The Institute for Government and Politics will shortly publish a collection of essays entitled, "Crime and Punishment in Modern America," to which I have contributed an article outlining legislation that will contribute to our efforts to stem the rising tide of drug abuse in our Nation.

This essay, "Drugs and Crime: A Legislative Perspective," examines the scope and magnitude of drug-related crime in the United States and gives recommendations for immediate legislative action, designed to:

Stop drugs at the source;

Ensure existence of effective drug abuse education and prevention programs;

Increase interdiction efforts; and

Support local, State, and Federal drug law enforcement efforts.

I hope that my colleagues in both Houses will take the time to read "Crime and Punishment in Modern America," which is being released in just a few weeks. It is a timely work which presents a variety of views on a number of issues which will confront us in this legislative session—and on the campaign trail this fall. Among the contributors to "Crime and Punishment in Modern America," are Attorney General Edwin Meese, Senators STROM THURMOND, WILLIAM L. ARMSTRONG, SAM NUNN, and CHARLES E. GRASSLEY; Congressman JACK KEMP; former Gov. Peter du Pont of Delaware; the Honorable J. Clifford Wallace of the Ninth Circuit Court of Appeals; Patrick B. McGuigan, director of the Judicial Reform project; and Daniel J. Popeo, general counsel for the Washington Legal Foundation.

As this legislative session begins, we find ourselves at a crossroads. The American people are asking if the Congress has the courage to pass comprehensive legislation which will stem the rising tide of drug use. Polls show that Americans are willing to make the sacrifices necessary to rid our country of this plague. They demand action from us now; they will be watching this November. Let us give them this legislation, before the latest swell of drug abuse becomes a tidal wave which engulfs us all. As we confront the myriad issues of crime and punishment, this book will be an invaluable source of useful and innovative solutions.●

THE 1986 WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. SASSER. Mr. President, during the Labor Day recess, small business leaders from across America gathered in Washington for the 1986 White House Conference on Small Business. From August 17-21, the delegates to the conference debated and voted upon a series of issues important to our small business community.

The delegates approved a list of 60 final recommendations which have been forwarded to each Member of Congress. These recommendations reflect the priority concerns of small firms across the country. I believe my colleagues would do well to pay particular attention to these recommendations in the weeks ahead.

The No. 1 recommendation, receiving 1,419 votes out of some 1,715 cast, is coming to grips with the continuing commercial liability insurance crisis. And I am very pleased to see that the delegates adopted a broad approach to this particular problem. Rather than focus on one or two aspects of this crisis, the delegates have propounded a comprehensive approach to this national problem.

Other priority issues of our small business leaders include a recommendation dealing with employee benefits, a call to protect small business from unfair competition from Government units and nonprofit organizations, a recommendation demanding action to reduce the Federal deficit, and a call for the creation of a new Cabinet-level Office of International Trade.

The entire list of recommendations coming out of the White House conference will help shape our legislative agenda for weeks to come. My colleagues will recall how the 1980 White House conference galvanized action on a wide variety of small business issues. I anticipate a similar course of action on these 60 recommendations. Indeed, as a member of the Small Business Committee, I am already reviewing this list closely.

Mr. President, I would be remiss if I failed to mention the central role

played by Tennessee's delegation to the 1986 White House Conference on Small Business. Under the able leadership of Bill Nourse, the Tennessee delegation played a vocal and active role in the many workshops which helped shape the issues considered by the full conference. The issues of greatest concern to the Tennessee delegation were among the top recommendations voted on by the full conference.

I had the privilege of meeting many members of the Tennessee delegation when they came to Washington several weeks in advance of the White House conference. The fact that these men and women would take time out from their various business ventures to attend a series of briefings in advance of the conference reflected admirably on their commitment to Tennessee's small business community. I was impressed with their ready grasp of issues of concern to them and their desire to learn about the legislative process. I came away from those meetings convinced that the Tennessee delegation would play a key role in the activities of the 1986 White House conference. The results of the conference have only confirmed my earlier belief.

Mr. President, I wish to congratulate not only the members of the Tennessee delegation, but all of those who attended the White House Conference on Small Business for a job well done. Their thoughts and recommendations will help shape the legislative landscape on many issues of national importance. In closing, I again urge my colleagues to carefully review the final recommendations of this important gathering.●

THE DILEMMA OF SOVIET JEWS

● Mr. WARNER. Mr. President, I ask my fellow colleagues to take a moment to contemplate the dilemma of the Soviet Jews.

Our forefathers founded the United States on the ideals of religious freedom and personal liberty.

While we enjoy these privileges, the Soviet Jews face imprisonment and harassment for trying to perpetuate their religion and culture.

Each year thousands of Soviet Jews express their desire to emigrate, yet they cannot rejoin their families outside the U.S.S.R.

Instead, they receive job dismissal, school expulsion, and public denouncement as traitors.

The Soviet Government has agreed to respect religious, cultural, and emigration freedoms in the Helsinki accord of 1975 and other international human rights agreements.

I urge the U.S.S.R. to stop this harsh treatment of Jews and to honor their commitment to human rights.●

KIWANIS CLUB OF ERIE, PA

● Mr. SPECTER. Mr. President, I wish to call the Senate's attention to the Kiwanis Club of Erie, PA, which celebrated its 70th anniversary on September 5, 1986.

The Kiwanis Club of Erie was formed on August 26, 1918. They are the second oldest club in Pennsylvania and the first to form in Erie.

Kiwanis is a service organization whose motto is "We Build." Their goals are to: Give primacy to human and spiritual values alike; provide fellowship; encourage the daily living of the Golden Rule; and promote higher social, business, and professional standards.

The Kiwanis' activities include giving assistance to youth and aged in the Erie community. Their past and current projects include: Involvement with 4-H Club; boys and girls summer camp; purchase of civil defense ambulance; Kiwanis-State Police Camp Cadet Program for boys and girls; Kiwanis Silent Club for hearing impaired children; Kiwanis Boy's Choir; scholarships for Erie high school seniors; and their own youth sponsored clubs, Circle K and Key Club.

I am sure my colleagues join me in commending the Kiwanis Club of Erie, PA, for their long and devoted service to the community.●

REHNQUIST SCHOOL SEGREGATION CONSTITUTIONAL AMENDMENT

● Mr. KENNEDY. Mr. President, this week, the Senate will begin consideration of the nomination of William H. Rehnquist to be the Chief Justice of the United States.

Over the weekend, after the close of the Judiciary Committee's hearings on the nomination, two memos proposing a constitutional amendment to legalize school segregation, written by Mr. Rehnquist while he was the Assistant Attorney General for the Office of Legal Counsel, came to light.

If the Rehnquist amendment had been proposed and adopted, it would effectively have nullified the Supreme Court's landmark decision in Brown versus Board of Education and would have permitted the continuation of deliberate racial segregation of the public schools in both the North and South.

This proposed constitutional amendment is another significant piece of evidence of Mr. Rehnquist's unremitting hostility to racial equality. He is an arch enemy of civil rights and unfit to be the Chief Justice of the United States. I ask that the Rehnquist memoranda, analyses by civil rights experts, and news reports about the memos be inserted in the RECORD at this point. I urge my colleagues to read these materials carefully before deciding how to cast their vote on this nomination.

The material follows:

[March 3, 1970]

MEMORANDUM FOR THE HONORABLE EGIL KROGH, JR., DEPUTY ASSISTANT TO THE PRESIDENT FOR DOMESTIC AFFAIRS

(Re Constitutional Amendment to Validate "Freedom of Choice" and "Neighborhood Schools")

1. *Description of Plans that are to be Validated.*

The words, "freedom of choice" and "neighborhood schools" do not arise in a vacuum but arise instead in the context of more than 15 years of litigation over what the Constitution does and does not permit local school boards to do when those boards deal with racially mixed student populations. *The critical issue in the South now,* which has in the past of course had in its schools a system of enforced segregation by race, *appears to be the "freedom of choice" plan,* whereunder a student is free to choose to attend some school or schools in the district other than the one to which he is initially assigned. *In the North, the critical issue* (though less in public focus at the moment than the issue of "freedom of choice" in the South.) *is that of de facto segregation, or the permissibility of neighborhood schools;* does the Constitution require a school district to take affirmative steps to achieve "racial balance" among its schools, even though the "imbalance" existing stems from residential segregation or other factors for which the school board is not responsible? Each of these two subjects is treated in greater detail below though the treatment is by no means exhaustive or compete.

(a) *"Freedom of Choice."* When the school board in Knoxville, Tennessee, sought to comply with the mandate of the Supreme Court of the United States in *Brown* v. *Board of Education,* it adopted a plan of geographic zoning for school attendance without regard to race, but it added to the plan a provision permitting a student whose race was in the *minority* in the school which he attended to transfer to any school in which his race was in the *majority.* This plan was attached by Negro plaintiffs, and in 1963 was held unconstitutional by the Supreme Court. *Goss* v. *Board of Education of Knoxville,* 373 U.S. (1963). The Court held that no *"official transfer plan or provision of which racial segregation is the inevitable consequence may stand under the Fourteenth Amendment."* 373 U.S. at 689. *The Court* specifically *reserved the question,* however, *of whether or not a transfer plan which was available to every student, regardless of the racial composition of his school, would be constitutional:*

"* * * We note that if the transfer provisions were made available to all students regardless of their race and regardless as well of the racial composition of the school to which he requested transfer they would have an entirely different case. Pupils could then at their option (or that of their parents) choose, entirely free of any imposed racial considerations, to remain in the school of their zone or to transfer to another." *Id.* at 687.

The Supreme Court obviously could have decided *Goss* on the very narrow ground that since race was a factor in determining whether or not a student had a right to transfer, and race as a criterion for classifying students had been invalidated by *Brown,* the transfer plan adopted in Knoxville

could not stand. However, by using the broader language—that no transfer plan "of which racial segregation is the inevitable consequence," the *Goss* opinion perhaps inadvertently led the way to much more sweeping pronouncements by the Court in the following years.

In 1968, the Supreme Court dealt with three transfer or "freedom of choice" plans which were available to *all* students within the district involved. In *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), and *Raney* v. *Board of Education*, 391 U.S. 443 (1968), both involved situations in which the school board had not fundamentally altered the earlier *de jure* structure which had segregated schools by race, but now allowed unlimited transfer by any student to another school in the district.

The Supreme Court in both cases held that the "freedom of choice" plan was unconstitutional in what must be described as a "muddy" opinion. The Court appears to have been impressed by the fact that geographic zoning would have more effectively ended segregation, as would a system of zoning in which one of the schools involved has been made entirely elemantary, and the other, entirely secondary. *The Court appears to be saying that where such methods are available, a heavy burden is on the school board to explain why it chose a system of attendance zoning which would not be likely to produce integration.* The facts of *Green* and *Raney* themselves are rather limited, but the opinion of the Court is sufficiently vague and general as to project the rationale beyond the facts. The problem is increased by the decision handed down at the same time in the case of *Monroe* v. *Board of Commissioners of the City of Jackson*, 391 U.S. 450 (1968). Here the school board had changed from the old *de jure* segregated system of attendance zoning to a genuinely geographical section which divided the city into three zones. Negroes were more heavily concentrated in the central zone than in the east or west zones, but there were some in all zones; there were likewise whites in all zones. A provision of the plan allowed any student to transfer to any other school in the district in which space was available. The result of the combined geographic zoning and transfer provisions was that the west school was almost entirely white, the central school was entirely Negro, and the east school was genuinely mixed.

The Supreme Court, again speaking through Justice Brennan, held this plan unconstitutional. The Court's opinion, relying heavily on the *Goss* case as it did (and remembering that *Goss* had specifically reserved this point) can only be described as disingenuous: The Court objected to the plan because it had the effect of "resegregating" these schools, apparently reasoning that a school board which once had *de jure* segregation must pick the plan *most likely* to achieve integration, even though another school board would be perfectly free to choose a racially neutral plan which resulted in *"de facto"* segregation of some of the schools within a district.

It is apparent from the foregoing discussion that "freedom of choice" plans may vary from one another, *It would be quite possible to provide in a constitutional amendment that freedom of choice available to all students aimiflarly situated (without regard to race) should be valid,* but that a plan depending upon the racial composition of the school to trigger the transfer right (such as was involved in *Goss*) should remain invalid under the Fourteenth Amendment. If the constitutional amendment in question is to be urged on what seem to me to be the very tenable grounds that schools ought to be able to apply racially neutral principles in assigning pupils or otherwise classifying them, it is probably better that it limit itself to validation of the type of freedom of choice plans used in *Monroe, Green,* and *Raney* and not attempt to revive the type of plan used in *Goss.* On the other hand, if one wishes to go all the way with freedom of choice, an amendment of broader scope could be drafted.

(b) Many school districts, south and north, applying geographic attendance zoning, nonetheless end up with large concentrations of Negroes or other racial minorities in one or two schools in the district, and only a small sprinkling of these racial minorities in other schools of the district. Frequently such "racial imbalance" results from various forms of residential segregation, or other factors over which the school board has no control. It has been contended in various cases throughout the United States in the past decade that *"de facto"* segregation, characterized by "racial imbalance", is itself violative of the equal protection clause of the Fourteenth Amendment. The lower federal courts have divided in their answer to this question, and no case involving it has been decided by the Supreme Court of the United States. In the course of litigating this issue, however, subsidiary and related issues have been developed in some of the cases. The United States Court of Appeals for the Seventh Circuit, in *Dell* v. *School Board of Gary, Indiana*, 324 F.2d 209 (7th Cir., 1963), and the United States Court of Appeals for the Tenth Circuit in *Downs* v. *Board of Education*, 336 F.2d 988, have both held that *"de facto"* segregation does not violate the Fourteenth Amendment. In each case, the Supreme Court of the United States denied certiorari: 377 U.S. 924; 380 U.S. 914. On the other hand, the United States District Court for the District of Massachusetts, in *Barksdale* v. *Springfield School Committee*, 237 F.Supp. 543 (1965) held that the neighbor/school policy "must be abandoned or modified when it results in segregation in fact." Other federal district courts, either in holding or in *dicta*, have adopted the same position.

Therefore, while *there is no authoritative final judicial holding from the Supreme Court that neighborhood schools or "de facto" segregation violate the Fourteenth Amendments, there is likewise no solid body of judicial authority from the lower courts holding to the contrary.* In view of what appears to be a large body of public support for the idea of neighborhood schools, free from the supervision by the federal courts, *it would appear to be sound policy to couple with any amendment validating "freedom of choice" plans a related provision validating "neighborhood school" plans.*

2. *Should validation of plans be done by constitutional amendment or by statute?* There are arguments pro and con on this point, but I believe that once the decision is made to validate them, *the arguments in favor of doing it by a constitutional amendment heavily preponderate.*

(a) The subject is a sufficiently detailed and specialized one that it ought not be the subject of a constitutional amendment. This argument certainly must be given some weight, but its import depends largely on how detailed the proposed validation is to be. If one were to go on for several pages describing the exact responsibilities of federal courts, school boards, and the like, it would of course be ridiculous to put in the form of a constitutional amendment. However, if one were to state principles in one or two paragraphs, such a statement would be quite consistent with other constitutional amendments that have been adopted.

Embodiment of the validation in a statute would invite unnecessary detail and would likewise invite frequent reopening of heated debates on the subject. To the extent that the validation or partial validation of these plans turns into a detailed catalogue of what school boards may and may not do in particular situations, it has the collateral effect of inserting federal courts still further into the business of operating schools, rather than at least partially withdrawing them from that business. Likewise, what is validated by statute may likewise be invalidated by repeal or amendment of the statute, and the temptation would be constant, in a subject as controversial as this, to at least argue about reopening the debate or amending the statute in every session of Congress.

(b) Any statute (like most constitutional amendments) will involve compromise and some concession by a wide spectrum of public opinion; some will feel the statute validates less than they would like in the way of local school autonomy, while others will doubtless feel that it grants more than it should in the way of such autonomy. Unfortunately, from a constitutional point of view, as stated by Alex Bickel in our conversation on Sunday, the political "left" cannot deliver its vote in the same manner as the political "right" can, since any member of the political "left" has available to him a court challenge to those parts of the measure which he does not like on the grounds that they violate the Fourteenth Amendment. The basis for a congressional authority over the subject is the power granted under the Fourteenth Amendment to enforce the terms of the amendment by appropriate legislation; however, in *Katzenbach* v. *Morgan*, 384 U.S. 641, the majority noted in a footnote that while Congress could by legislation enlarge rights conferred by the Fourteenth Amendment, it could not circumscribe those rights by legislation. Since any significant validation of "freedom of choice" would clearly impinge on the court's opinion in *Monroe*, it is questionable whether the validation provisions of any statute would withstand constitutional attack.

(c) *Precedents are ample for constitutional amendments which overrule a particular holding of the Supreme Court of the United States—the Twelfth Amendment, overruling the Supreme Court's decision in Chisholm* v. *Georgia, and the Sixteenth Amendment, overruling the Court's decision in Pollack* v. *Farmers Loan and Trust,* are but two examples.

3. *What should be the coverage of the validating provision?*

Several possible limits to the constitutional validation of these plans suggest themselves, from the narrowest to the broadest.

(a) *The validation could be limited to simply removing from the Federal Constitution any prohibition against "freedom of choice"* or *neighborhood school plans of school attendance.* The result of this limitation would be that Congress, to the extent of its constitutional power, would be authorized to prohibit or curtail such plans, and states or local governments would likewise

be free to choose them or reject them as they saw fit.

(b) The *middle ground* would be *to validate them so far as the federal government was concerned—to state that not only the Constitution does not prohibit them, but that Congress should have no power to prohibit or curtail them*—leaving to the states and local governments the option to adopt or reject them as they saw fit.

(c) The broadest reach of the validation provision would be *to in effect guarantee to each local school board the right to adopt a freedom of choice plan or a neighborhood school plan, regardless of any contrary legislation on the part not only of Congress but of state legislatures.*

Since the Republican Party has traditionally favored local control on matters such as schools, it seems to me that the breadth of this last proposal is undesirable. I also have some doubt as to whether one would want to disable Congress from addressing itself to this subject at some future date, although the choice between the first two possibilities appears to be a rather close one compared to the choice between either of them and the third.

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from *assigning persons to its educational facilities on the basis of geographic boundaries,* provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any States, any State, or any subdivision of either, from permitting persons to *transfer voluntarily* among its educational facilities, provided only that such transfers are uniformly available to all persons within its jurisdiction.

[March 5, 1970]

MEMORANDUM FOR THE HONORABLE EGIL KROGH, JR., DEPUTY ASSISTANT TO THE PRESIDENT FOR DOMESTIC AFFAIRS

(Re: Supplemental Comments: Constitutional Amendment, Together with Second Draft of Proposed Article 26)

I enclose a revised draft of the proposed constitutional amendment which you had earlier requested.

The second draft differs from the first draft in that section 2 has been lengthened to make clear that "freedom of choice" plans are to be protected in two different situations—(a) where all persons within a school district have the right to transfer, or (b) where the right of transfer is accorded to less than all persons on a basis related to school capacity, availability of transportation, availability of curriculum, safety, or similar non-racial considerations. The second draft also makes clear that the "freedom of choice" protection extends not only to plans calling for transfers on the basis of freedom of choice, but also to those which call for initial assignment on the basis of freedom of choice.

I wish to supplement my earlier memorandum with an additional observation as to the problem with which we seek to deal, and some of its manifestations. There has been traditionally thought to be a rather sharp line dividing "de jure" segregation from "de facto" segregation, and it is commonly accepted that although most "de jure" segregation is in the South, there are scattered examples of it in the North. If "de jure" segregation is taken to mean that imposed by law, it could conceivably cover any of three different situations, depending on how broadly one wishes to take the definitional language:

(a) statute or school board regulation which by its terms requires all blacks to go to one set of schools, and all whites to another set of schools. This is the type of school system which prevailed in the South prior to the decision of the Supreme Court of the United States in *Brown* v. *Board of Education* in 1954; it is the classical type of "de jure" segregation, and is largely now abandoned throughout the South and really has not been employed in the North (apart from the so-called border states) for a long time.

(b) The "gerrymander" in which the governing school regulation speaks in terms of geography, but in fact the district is carved up in such a way that one can tell merely by the way the lines are drawn that the basis for drawing them was race, or some other consideration external to school administration.

(c) The system which may prevail in some northern communities, whereby a perfectly rational system of geographic attendance zones is established, which are perfectly justifiable in terms of administrative considerations, and yet which were adopted by the local school board at least partly because they would make some schools largely white, and others largely black.

The courts have been by no means clear in distinguishing between these three different types of segregation which might fall under the brand definition of "de jure", but I think that in drafting a constitutional amendment one must consider the broadest possible definition as well as the narrower one. Section 1 of proposed Article 26 is designed to avoid validating types (a) and (b), which are the classical situations referred to by the term "de jure", but to validate type (c). The argument against validating the type of system described in (c) is that if it was adopted with a motive or partial motive of separating the races in the schools, it is "tainted" under the general principle of *Brown* and should be cast out. The arguments contrary, which I believe to be more weighty are basically practical ones; it is simply not feasible to try, as an issue of fact in a law suit, the intent of a multi-member school board in adopting one districting plan as opposed to another. If one were to make intent critical, it is conceivable that a district court could find a zoning plan of one city invalid under the Fourteenth Amendment, whereas a district court in the next state might find an identical zoning plan of an identical city valid on identical facts, giving the usual latitude to the trier of fact in assessing intent. This is simply not the way to "run a railroad"; and the principle decisions dealing with de lure segregation in the North have tended to go on the basis that a particular decision as to zoning could only have resulted from racial considerations.

Section 1 in effect substitutes the classical due process "rational connection" test for a test of actual intent of the various school board members. If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members could have selected it for non-racial reasons—it is valid regardless of the intent with which a particular school board may have chosen it. The result is to give some certainty to school boards, and not make every zoning attendance plan in a multi-racial school district depends on how the local federal district judge sizes up the state of mind of the various school board members.

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

[Second Draft, March 4, 1970]

PROPOSED ARTICLE 26

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from assigning persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity to choose or transfer is available either to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, availability of curriculum, safety or other similar considerations.

ANALYSIS OF PROPOSED REHNQUIST AMENDMENT

(By William Taylor)

I. INTRODUCTION

In March 1970, William Rehnquist, as Assistant Attorney General in charge of the Office of Legal Counsel, wrote two memoranda to the Nixon White House proposing an amendment to the Constitution which would have sharply curtailed the powers of federal courts to remedy unlawful segregation of the public schools. The Rehnquist memo states that it is submitted in response to a request from Egil (Bud) Krogh, Jr., a White House assistant to John Erlichman.

Rehnquist's proposal, if it had become law, would effectively have nullified the Supreme Court's landmark decision in *Brown v. Board of Education* (347 U.S. 483) and would have permitted the continuation of deliberate racial segregation of the public schools by state and local officials in both the North and the South.

It is important to note that Rehnquist's amendment was not intended as an "anti-busing" proposal, i.e., one which would limit the use of a particular remedy for segregation. The amendment was proposed a year before the Supreme Court in the Swann case validated the use of busing as a tool for desegration and nowhere in his memo does Rehnquist mention "busing" as the issue. Rather, the memo is a straight-out pro-segregation proposal explicitly designed to legitimate deliberate racial segregation.

II. THE REHNQUIST AMENDMENT

Rehnquist's proposal for a 26th Amendment to the Constitution, as contained in a "second draft" on March 5, 1970, consists of two independent sections. Section I deals with "geographic" assignments to public schools and Section 2 deals with "freedom of choice." They will be analyzed in reverse order.

A. Freedom of choice

Section 2 reads as follows:

No provision of the Constitution shall be construed to prohibit the United States, or any State, or any subdivision of either from permitting persons to choose or transfer voluntarily among its education facilities, provided only that the opportunity to choose or transfer is available either to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, availability of curriculum, safety or other similar consideration.

To explicit purpose of this amendment was "validation of the type of freedom of choice plans used in Monroe, Green, and Raney," [1] three recent Supreme Court decisions that had determined that the plans were constitutionally inadequate remedies because they did not result in desegregation of the public schools.

In the mid 1960's "freedom of choice" plans were the last weapon left in the arsenal of massive resistance in the South. Under such plans, white and black parents were offered a choice of public schools in which their children could be enrolled. If they did not exercise their option to "transfer," their children would continue to be assigned to their previously racially segregated schools. Few white parents chose to enroll their children in previously all black schools. Many black parents did not exercise the transfer option either. In 1967, after an investigation, the U.S. Commission on Civil Rights found that among the factors which deterred transfer were "a fear (by black citizens) of retaliation and hostility from the white community," "actual violence, threats of violence and economic reprisal by white parents" in some areas of the South during the 1966–67 school year, and improper influence by public officials on black families.[2]

Freedom of choice was a very effective device in limiting school desegregation. In the 1964–65 school year, 10 years after the Brown decision and in the year that the Civil Rights Act of 1964 was enacted, only 2 black children in 100 in the 11 states of the Deep South were attending public school with whites. In 1968–69, after HEW in enforcing Title VI of the Civil Rights Act had declared that freedom of choice was impermissible unless it produced desegregation and right after the Supreme Court's decision to the same effect, 1 black child in 5 in the Deep South was attending school with whites. By 1972–73 when the Green decision had become fully effective almost half (46.3 percent) of black children were in desegregated schools.

Rehnquist's proposed constitutional amendment would have returned the South to the old order with only a handful of courageous black families standing as exceptions to the general regime of segregation. It is true that Rehnquist was ready to place a limit on his effort to legitimate freedom of choice plans. His memo suggests that it might not be prudent to "revive the type of plan used in [the] Goss [case]," a plan under which students were allowed to transfer only if they were in the minority race in the school to which they were assigned.

Rehnquist had no problem, however, in reviving a Green-type freedom of choice plan—a school district with only two schools, one which remained all black after the plan was instituted and the other almost all white, a district where any kind of geographic plan would have resulted in substantial desegregation (in fact, busing was being used to maintain segregation). And despite the explicit racial character of Goss-type plans, Rehnquist was amenable to reviving them as well, stating that "if one wishes to go all the way with freedom of choice, an amendment of broader scope could be drafted." [3]

B. Geographic assignment

Section 1 of the Rehnquist amendment reads as follows:

No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either from assigning persons to its education facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

While on first reading, this provision may seem fairly innocuous, Rehnquist makes it plain in his memos that it is drafted to permit school boards to adopt geographic assignment plans that are consciously designed to segregate black and white students.

Rehnquist acknowledges that there is an argument against validating a geographic assignment system that was adopted by a school board "at least partly because they would make some schools largely white and others largely black." The argument, he says, is that such a system "is 'tainted' under the general principle of Brown and should be cast out." But, Rehnquist says, there are "more weighty" arguments on the other side, basically that "the intent of a multi-member school board" is difficult to determine and that an intent test could lead to different results in different jurisdictions.[4]

So, what Rehnquist arrives at is neither an intent test nor an effects test, but a "rational connection" test that would allow school boards very wide latitude to engage in all kinds of racially discriminatory schemes. He puts it this way:

If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members *could have selected it for non-racial reasons*—it is valid *regardless of the intent* with which a particular school board may have chosen it.[5]

The impact of the Rehnquist amendment would have been devastating. In the North, the amendment would anticipatorily have prevented the rulings of the Supreme Court in the Denver, Columbus, and Dayton cases that intentionally segregative actions by school boards violated the 14th Amendment even where there was no official policy of segregation. (These were all rulings from which Justice Rehnquist strongly dissented.) The Rehnquist amendment would have allowed a school board to deliberately select sites for schools in the heart of black neighborhoods, draw attandance zones to assure that the schools would be black and then justify its actions on grounds that a "fair-minded" school board "could have" adopted that type of plan for non-racial reasons.

In addition, the Rehnquist amendment would have allowed a school board to add mobile classrooms to overcrowded black schools rather than transfer students to nearly white schools that were under-enrolled. This would occur even if the president of the school board, in proposing the action said, "We must find a way to keep the niggers ' their own schools." Under the Rehnquist .mendment, the school board president's statement would be legally irrelevant because the use of mobile classrooms in geographic attendance zones is in some circumstances a standard technique "reasonably related": to dealing with problems of "school capacity."

If, in the North, the Rehnquist amendment would have barred whites from finding racially discriminatory schemes violative of the Constitution, in the South, it would have sanctioned racially discriminatory remedies for official segregation. A school board that for more than half a century had run a state-sanctioned racially dual school system could simply, with malice aforethought, substitute a racially discriminatory "geographic attendance" or "freedom of choice" plan and continue with very little change.

III. WHY REHNQUIST WANTED A CONSTITUTIONAL AMENDMENT RATHER THAN A STATUTE

Some might say that in recommending that the Nixon Administration might proceed to curtail 14th Amendment rights by constitutional amendment rather than statute, Rehnquist was taking the responsible course, i.e., not tampering with the separation of powers. But the reasons stated by Rehnquist are far less elevated. He was concerned that if his proposals were put in statutory form they could well be ruled unconstitutional by the Supreme Court (". . . (A)ny Member of the political 'left' has available to him a court challenge . . ." "It is questionable whether the validation provisions of any statute would withstand Constitutional attack.")[6]

Moreover, Rehnquist says, passage of a constitutional amendment would insulate his proposals from easy change ("Likewise, what is validated by statute may be invalidated by repeal or amendment of the statute.") [7]

In short, Rehnquist wanted a constitutional amendment because he wanted to work foundamental and permanent change in the 14th Amendment.

IV. CONCLUSION

The implications of the Rehnquist amendment go far beyond the text of the amendment itself, as drastic as that is. Rehnquist clearly wanted to make fundamental changes in 14th Amendment jurisprudence. Even in the years when *Plessy* was still the law, the Supreme Court had set down some basic principles for the protection of black people. It had said that statutes that operate to discriminate violated equal protection even if they were not discriminatory on their face. (Yick Wo v. Hopkins) It had said that the Constitution requires the nullification of discriminatory schemes whether they are "ingenious or ingenuous, sophisticated or simple-minded" (Lane v. Wilson). It had said that racial classifications, explicit or implicit, were suspect and subject to the strictest scrutiny.

Rehnquist's amendment would have violated all those principles. It would have validated laws that operated to discriminate. It

[1] Rehnquist March 3 memo, p. 4.

[2] USCCR report cited in *Green v. County School Board of New Kent County*, 391 U.S. 430, 440 n.5 (1968). The Supreme Court did not adopt or reject the Civil Rights Commission findings. Rather than hinging the validity of freedom of choice plans on the presence or absence of physical or economic threats (which would have set off a new, time consuming round of litigation throughout the South), the Court chose the simpler gauge of whether the plan actually produced desegregation.

[3] Rehnquist March 3 memo, p. 4.

[4] Rehnquist March 5 memo, pp. 2–3.

[5] Rehnquist March 5 memo, p. 3.

[6] Rehnquist March 3 memo, p. 7.

[7] Id. at p. 6.

would have sanctioned discrimination as long as it was "sophisticated" rather than "simple-minded." And it would have used the loosest test of constitutionality—the "rational connection" test, one that had never been used where racial discrimination was at stake.

The great purposes for which the 14th Amendment was adopted to secure equal treatment under law for the newly emancipated slave would have been impaired by Rehnquist's amendment, perhaps forever.

It is not clear from the memo itself whose idea it initially was to attack school desegregation. But it is clear that in William Rehnquist, the Nixon Administration had an architect without peer—one who would tear down the newly built structure of equality and rebuild the old one of racism.

ANALYSIS OF PROPOSED REHNQUIST AMENDMENT

(By Eric Schapper)

"FREEDOM OF CHOICE" PLANS

"Freedom of choice" was in 1970 the primary technique adopted by southern officials to segregate the public schools. In the wake of *Brown* v. *Board of Education* many segregated school districts in the south adopted so-called "freedom of choice" plans. This approach marked a reversal of the normal educational practice of assigning students to specific schools, and was taken by school boards for the purpose of preserving segregation. Freedom of choice plans were overwhelming successful as methods to preserve segregation in the public schools. White parents refused to transfer their children to schools attended by blacks, and black parents were generally afraid to transfer their children to white schools. Harassment of the few black children who sought to attend white schools was widespread. U.S. Commission on Civil Rights, "Survey of School Desegregation in the Southern and Border States 1965-66," pp. 35-41, 51-52. Under freedom of choice plans across the south less than 1% of blacks ever attended schools with any whites. *Id.*, p. 30.

In 1968 the Supreme Court unanimously held in three decisions that the use of freedom-of-choice plans was unconstitutional where they resulted in continued segregation of the public schools. *Green* v. *School Board of New Kent County*, 391 U.S. 430 (1968); *Raney* v. *Board of Education of Gould School District*, 391 U.S. 443 (1968); *Monroe* v. *Board of Commissioners of City of Jackson*, 391 U.S. 450 (1968). The Supreme Court noted that in one of these cases school officials frankly conceded the plan was adopted to assure continued segregation of the races. *Monroe* v. *Board of Commissioners*, 391 U.S. at 459. Under the freedom of choice plans in *Green*, *Raney*, and *Monroe* no white children opted to attend school with blacks, and only a handful of black children dared to attend white schools.

The Rehnquist proposal to constitutionalize freedom of choice was intended to preserve, not limit, the busing of school children. Because blacks and whites in rural southern counties frequently lived in the same neighborhoods, the operation of segregationist freedom of choice plans often resulted in the massive busing of students out of the neighborhoods in which they lived:

"The vehicles traveled long distances to carry Negro children past white schools to Negro schools, and white children past Negro schools to white schools."

U.S. Commission on Civil Rights, "Racial Isolation in the Public Schools," v. 1, p. 68. (1967). *Green*, was just such a case in which massive busing was used to preserve segregation under freedom of choice.

"There is no residential segregation in the country; persons of both races reside throughout. . . . The record indicates that . . . school buses . . . travel overlapping routes throughout the county to transport pupils to and from the . . . schools."

391 U.S. at 432.

"[H]ere the Board, by separately busing Negro children across the entire county to the "Negro" school, and the white children to the "white" school, is deliberately maintaining a segregated system.'

391 U.S. at 442 n. 6. In *Green* it was the civil rights plaintiffs who urged a return to neighborhood schools, and the proponents of freedom-of-choice that favored continued busing.

The Rehnquist Amendment would have overruled *Brown* and its progeny in two critical respects. First, the Amendment would have rendered freedom-of-choice plans constitutional regardless of the purpose for which they were adopted. This proposal to immunize the motives of school officials from judicial scrutiny was of considerable importance, since in many cases, including both *Green* and *Monroe*, those motives were clearly racial. Second, the Amendment would have relieved southern school officials of any obligation to desegregate the public schools once a freedom-of-choice plan was adopted. Had such a constitutional amendment been ratified, the public schools in the south would be virtually as segregated today as they were prior to *Brown*.

GERRYMANDERING OF ATTENDANCE ZONES

As of 1970 racial gerrymandering of school attendance zones was the primary method utilized by northern officials to segregate the public schools in that region. In 1967 the U.S. Commission Civil Rights concluded:

"In determining such discretionary matters as the location and size of schools, and the boundaries of attendance zones, the decisions of school officials may serve . . . to intensify . . . racial concentrations . . . [D]ecisions by school officials in these areas frequently have had the effect of reinforcing racial separation of students."

"Racial Isolation in the Public Schools," v. 1, p. 202. The Commission's report contained a detailed discussion of instances of international racial gerrymandering of attendance zones. *Id.* at 42-51.

As of 1970 it was clear that such intentionally discriminatory conduct was unconstitutional, and the federal courts had repeatedly invalidated such racist schemes *Clemons* v. *Board of Education*, 228 F. 2d 853 (6th Cir.), *cert. denied*, 350 U.S. 1006 (1956); *Taylor* v. *Board of Education*, 191 F. Supp. 181 (S.D.N.Y.), *aff'd* 294 U.S. 940 (1961); *Wheeler* v. *Durham City Board of Education*, 346 F.2d 768 (4th Cir. 1965); *Evans* v. *Buchanan*, 207 F. Supp. 820 (D. Del. 1962); *Northcross* v. *Board of Education*, 333 F.2d 661, 663 (1964); *Monroe* v. *Board of Commissioners*, 244 F. Supp. 353 (W.D. Tenn. 1965); *Webb* v. *Board of Education*, 223 F. Supp. 466, 468-69 (N.D. Ill. 1963).

The Rehnquist Amendment was expressly intended to overturn these decisions, and to overrule *Brown* insofar as that case forbade intentional racial gerrymandering to segregate the public schools. The Amendment forbade racial gerrymandering in some extremely blatant cases, but the existence of a racist motive would itself have been entirely permissible. With that exception, a deliberate return to separate-but-equal school would have been permitted by the Rehnquist plan to the extent that segregation could be achieved by international racial discrimination in the drawing of school attendance zones.

[From the Los Angeles Times, Sept. 7, 1986]

REHNQUIST PLAN SOUGHT HALT OF DESEGREGATION

(By David G. Savage)

WASHINGTON.—Chief Justice-designate William H. Rehnquist, while a top attorney in the Nixon Administration, drafted a proposed constitutional amendment that would have halted the desegregation of the nation's public schools.

Rehnquist's plan, evidently prepared at the request of the White House in 1970 but never publicly proposed, sought to overturn Supreme Court rulings in the late 1960s that brought about desegregation in the South. The amendment also would have halted busing for desegregation in the rest of the nation.

NOT PREVIOUSLY RELEASED

In a memo accompanying the proposal, Rehnquist says his amendment would stop federal courts from interfering even if local officials set up school attendance boundaries "with a motive of partial motive of separating the races in the schools."

The memo and the proposed amendment, made available to The Times on Saturday, were not included in material released to the Senate last month by the Justice Department.

Veteran civil rights attorney William Taylor said Saturday that the proposed amendment, if adopted, would have "effectively nullified" the Supreme Court's landmark desegregation decision in the 1954 case of Brown vs. Board of Education "and preserved segregated schools."

Eric Schnapper, an attorney for the NAACP Legal Defense Fund, called the memo "a smoking gun * * * which confirms everybody's worst fears about his views on racial segregation."

But Justice Department spokesman Terry Eastland downplayed the memo. "I don't see much that's new in this. The civil rights groups are pulling out all the stops, but I don't see any reason why this will change any vote one way or the other," Eastland said.

The Senate begins debate this week on Rehnquist's nomination as chief justice. Although civil rights groups and some Senate Democrats have bitterly opposed President Reagan's choice of Rehnquist to lead the high court, his supporters have been confident that he will win confirmation with a solid majority.

Under the constitutional revision drafted by Rehnquist, then an assistant attorney general in the Justice Department's Office of Legal Counsel, school officials would be immune from federal court suits if they assigned children to schools in their neighborhood or if they permitted them a "freedom of choice" among schools.

In 1968, a unanimous Supreme Court, frustrated by Southern resistance to desegregation, struck down a "freedom of choice" plan in Virginia. Although said to be a remedy for official segregation, the court concluded that "freedom of choice" was actually a dodge for it, because white parents were permitted to bus their children to the

one predominantly white school in the county.

PROVIDES CRITERIA FOR CHOICE

Rehnquist's proposal, dated March 4, 1970, would have revised the Constitution so courts could not prohibit plans from "permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity . . . is available to all persons within its jurisdiction or to any eligible person" whose numbers could be limited by "school capacity, availability of transportation, safety or other similar considerations."

Another part of the proposed Article 26 of the Constitution would have declared legal any school plans that assign "persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation safety or other similar considerations."

Rehnquist's memo was sent to Egil Krogh Jr., then a deputy assistant to President Richard M. Nixon for domestic affairs. His proposal did not endorse de jure segregation, "the type of school system which prevailed in the South prior to the decision of the Supreme Court in Brown vs Board of Education in 1954," Rehnquist noted. Before this decision, black students were sent by law to all-black schools, and white students were assigned to all-white schools.

GEOGRAPHIC ATTENDANCE ZONES

Neither would it support a "gerrymander" of school boundaries where a "district is carved up in such a way that one can tell merely by the way the lines are drawn that the basis for drawing them was race," Rehnquist wrote.

However, he wrote, school officials may have set up a "perfectly rational system of geographic attendance zones" that are "perfectly justifiable * * * and yet which were adopted by the local school board at least partly because they would make some schools largely white and others largely black."

Rehnquist continued: "The argument against validating the type of system described (above) is that if it was adopted with a motive or partial motive of separating the races in the schools, it is 'tainted' under the general principle of Brown and should be cast out. The arguments contrary, which I believe to be more weighty, are basically practical ones."

Courts should not be asked to discern the "intent of a multimember school board in adopting one districting plan as opposed to another," he argued.

"If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members could have selected it for non-racial reasons—it is valid regardless of the intent which a particular school board may have chosen it," Rehnquist concluded.

SEPARATING BLACKS, WHITES

Schnapper, a civil rights lawyer, said the Rehnquist proposal "makes it crystal clear that intentional segregation by government officials ought to be permitted."

After 1971, federal courts throughout the nation ordered desegregation when school boards were found to have juggled attendance zones or built new schools in a way that tended to separate black and white children.

Rehnquist's proposal was "a well-thought-out plan to overrule the Brown decision," Schnapper said. "He had one part to facilitate segregation in the North through gerrymandering and another part to facilitate it in the South through freedom of choice. This is also absolutely consistent with the view expressed in the memo to Justice (Robert H.) Jackson."

In a controversial memo written in 1952, Rehnquist, then a Supreme Court law clerk for Jackson, said the "separate but equal" doctrine of racial segregation enunciated in 1896 was "right." In his confirmation hearings in 1971 and again this year, Rehnquist has maintained that the views expressed were Jackson's, not his.

JUSTICE REFUSES COMMENT

Rehnquist, contacted Saturday through Supreme Court spokeswoman Toni House, refused to comment on the newly disclosed memo.

In 14 years on the high court, Rehnquist has repeatedly dissented from decisions in favor of desegregation or affirmative action, saying that the Constitution requires "racially neutral" actions. In 1973, in his second year on the court, Rehnquist filed a lone dissent against a desegregation order for Denver, saying that the Constitution does not "require school boards to affirmatively undertake to achieve racial mixing in the schools."

Eastland of the Justice Department defended the 1970 memo, saying: "There were a lot of questions unsettled then. This would not have been an extreme or unusual position. There was also a lot of anti-busing sentiment in the country that helped elect Richard Nixon."

TEXT OF THE PROPOSED AMENDMENT

Following is the text of the second (and apparently final) draft of a proposed constitutional amendment on school desegregation drafted in 1970 when William H. Rehnquist was assistant attorney general in charge of the Office of Legal Counsel.

PROPOSED ARTICLE 26

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from assigning persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity to choose or transfer is available to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

[From the Washington Post, Sept. 8, 1986]

REHNQUIST AND JUSTICE

(By Dorothy Gilliam)

In an article in the New York Times in 1985, Supreme Court Justice William Rehnquist said "I don't think that my views have changed much from the time" when he was a law clerk to Justice Robert H. Jackson in the early 1950s. That may be exactly the problem with Justice Rehnquist. He hasn't changed over the years.

The Senate Judiciary Committee voted 13 to 5 last month, after lengthy hearings, to approve Justice Rehnquist's nomination as chief justice of the United States.

Sometime this week the full Senate will take up Justice Rehnquist's nomination to an office that would make him guardian of our traditions of rule of law and equal justice for all.

The Senate should reject Justice Rehnquist, not because of his conservative ideology, but because he has displayed a consistent hostility to equal justice under law in three interrelated areas—commitment to the principles of nondiscrimination, enforcement of the Bill of Rights and enforcement of civil rights statutes.

Setting out his early views regarding discrimination in several memoranda that he wrote for Justice Jackson during his clerkship, Rehnquist argued that the infamous-separate-but-equal doctrine of *Plessy* v. *Ferguson* that gave legal sanction to segregation "was right."

For Rehnquist the principle of majority rule included a right on the part of the majority to rule unpopular minorities in a discriminatory manner.

Therefore, on the eve of the 1954 Supreme Court school desegregation decision that helped open up the society to black Americans, Rehnquist, the young law clerk, was urging that racial segregation not be ruled unconstitutional.

During Rehnquist's 15 years on the bench, the Supreme Court has decided 14 race discrimination cases brought by or on behalf of blacks in which he cast the deciding vote.

In every one of these race discrimination cases, he cast that vote against the black complainant. (Although he has in some instances voted to uphold a claim of racial discrimination against a black, he has done that only in cases in which all other members of the court, or all but one other member, agreed that the black complainant should prevail.)

Moreover, Rehnquist was the only member of the Supreme Court who favored granting tax-exempt status for racially segregated private schools. According to Elaine Jones of the NAACP Legal Defense and Educational Fund Inc. in a recent analysis of the Rehnquist judicial record, "Judge Rehnquist reached the wrong result . . . not because he did not understand the tax code, but because, as was the case when he wrote his memoranda for Justice Jackson, [he] did not understand that racial discrimination is an evil of extraordinary gravity."

But Justice Rehnquist showed a similar blind consistency in sex discrimination cases. The only member of the court who says that the government can deny unemployment benefits to a jobless woman who is seeking work if she is pregnant or has recently given birth, Rehnquist also was the sole dissenter in six cases in which a statute or practice that discriminated on the basis of sex was held unconstitutional.

In 124 Supreme Court cases regarding enforcement of the Bill of Rights, Justice Rehnquist cast the deciding vote against enforcement of the constitutional claim 120 times. The society of professional journalists, Sigma Delta Chi, found that on First Amendment free speech rights alone, Rehnquist cast an unfavorable vote in 69 of 80 cases. And if Rehnquist's views about religion were to prevail, the federal and state governments would be free to champion religious worship aggressively.

His record on enforcing civil rights statutes is equally dismal. Among 83 cases in which members of the court have disagreed about how to interpret or apply a statute, Rehnquist has voted on 80 occasions for the interpretation or application least favorable

to minorities, women, the elderly or the disabled, according to the NAACP/LEDF analysis.

"To put someone like this in a public office so entrusted with responsibility would be tragic and perverse," said Ralph Neas of the Leadership Conference on Civil Rights.

Anyone who has the welfare of our nation at heart must agree. Our country's emergency from the long night of inequality and oppression was too costly and painful, and the gains too fragile, to jeopardize with Rehnquist's elevation.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1987

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 833, H.R. 5234, the Interior appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5234) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[**$380,370,000**]** *$474,029,000, of which $75,000,000 for firefighting and $5,000,000 for insect and disease control projects, including grasshoppers, shall remain available until expended***[**: *Provided,* That none of the funds appropriated herein may be expended to approve mining operations conducted under the Mining Law of 1872 (30 U.S.C. 22, et seq.) unless operators are required to post a reclamation bond for all operations involving significant surface disturbance, including all disturbances of more than five acres per year, such bond to be for an amount estimated by the Bureau of Land Management to cover the costs of reclamation: *Provided further,* That evidence of an equivalent bond posted with a State agency may be accepted in lieu of a separate bond**]**.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[**$1,200,000**]** *$2,800,000,* to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, **[**$850,000**]** *$300,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$54,260,000**]** *$55,642,000,* to remain available until expended: *Provided,* That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), *but not less than $10,000,000 (43 U.S.C. 1901),* and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses**[**: *Provided further,* That the dollar equivalent of value, in excess of the grazing fee established under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment of a grazing permit or lease, or any grazing privileges or rights thereunder, and in excess of the installation and maintenance cost of grazing improvements provided for by the permittee in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management, shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): *Provided further,* That if the dollar value prescribed above is not paid to the Bureau of Land Management, the grazing permit or lease shall be canceled**]**.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within

thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge[; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $306,500,000] *$313,352,000,* of which $4,300,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which $6,411,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and shall remain available until expended[: *Provided,* That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1, 1986, in the Office of Legislative Services of the Fish and Wildlife Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade levels greater than the staff replaced].

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [$21,113,000] *$23,603,000,* to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), [$3,000,000] *$10,561,000,* to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$33,225,000] *$36,775,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 72 passenger motor vehicles for replacement only (including 72 for police-type use); purchase of 1 new aircraft for replacement only; not to exceed $300,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; *construction of permanent improvements for use as a forensics laboratory, and structures apputenant thereto, on a site leased by the Service;* and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $408,000 for the Roosevelt Campobello International Park Commission [and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $628,875,000] *$579,055,000,* without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) and $15,158,000 to be derived from unappropriated balances in the National Park Service "Planning, development and operation of recreation facilities" account: *Provided,* That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation[: *Provided further,* That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1, 1986, in the Office of Legislative and Congressional Affairs of the National Park Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade levels greater than the staff replaced]*: Provided further, That $85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use: Provided further, That for expenses necessary to carry out the mission of the National Park Service for a period of time not to extend beyond fiscal year 1987, the Secretary of the Interior is authorized to charge park entrance fees for all units of the National Park System of an amount not to exceed $3.00 for a single visit permit as defined in 36 CFR 71.7(b)(2) and of an amount not to exceed $7.50 for a single visit permit as defined in 36 CFR 71.7(b)(1): Provided further, That the cost of a Golden Eagle Passport as defined in 36 CFR 71.5 is increased to a reasonable fee but not to exceed $25.00 until September 30, 1987: Provided further, That for units of the National Park System where entrance fees are charged the Secretary shall establish an annual admission permit for each individual park unit for a reasonable fee but not to exceed $15.00, and that purchase of such annual admission permit for a unit of the National Park System shall relieve the requirement for payment of single visit permits as defined in 36 CFR 71.7(b): Provided further, That funds derived from increasing National Park Service entrance fees pursuant to this Act shall be credited to the Operation of the National Park System appropriation account and shall be available, without further appropriation, for expenditure as determined by the Director of the National Park Service, first, to defray the cost of collection; second for maintenance, interpretation, research, and resources management at the collecting unit; and third, for maintenance, interpretation, research, and resources management at all units of the National Park System during fiscal year 1987.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [$10,904,000] *$10,277,000.*

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$24,200,000] *$24,300,000* to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1988: *Provided,* That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further,* That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [$75,989,000] *$76,518,000,* to remain available until expended, of which $8,500,000 shall be derived by transfer from the National Park System Visitor Facilities Fund, including $2,700,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290: *Provided,* That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $10,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under sec-

tion 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended[: *Provided further,* That for payments of obligations incurred for improvements to the George Washington Memorial Parkway, $2,500,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, subject to the availability of funds for an additional lane on the Theodore Roosevelt Bridge].

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$101,100,000] *$65,900,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended, including [$2,270,000] *$2,300,000* to administer the State Assistance program: *Provided,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $893,000 shall be available in 1987 for administrative expenses of the State grant program[: *Provided further,* That $300,000 for Apostle Islands National Lakeshore shall be available subject to authorization].

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,771,000.

[ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

[For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

[JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

[For operation of the Jefferson National Expansion Memorial Commission, $75,000.]

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 400 passenger motor vehicles, of which 348 shall be for replacement only, including not to exceed 300 for police-type use and 20 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That any *annual* funds available to the National Park Service may be used, with the approval of the Secretary, to [maintain law and order in emergency and other unforeseen law enforcement situations and] conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further,* That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further,* That the Secretary of the Interior shall begin processing claims of the licensees of the American Revolution Bicentennial Administration within 30 days of enactment of this Act, and that licensees who filed claims with the Department between July, 1984, and January, 1985, or who filed for relief from the Department under the Federal Tort Claims Act on December 31, 1979, or who were mentioned in the December 30, 1985, Opinion of the Comptroller General shall be eligible claimants: *Provided further,* That the Secretary shall process such claims [in accordance with the facts, methodologies, and criteria employed in the Amerecord, Inc. test case which was settled on August 20, 1983, and other applicable legal principles] *to determine whether any or all of such claimants ought to be awarded equitable compensation by the Congress, and, if so, in what amount: Provided further,* That these claims will be processed to completion in a judicious and expedient manner not to exceed one year from the date of enactment of this Act[: *Provided further,* That none of the funds in this Act may be used to issue a request for proposals to lease any or all of Glen Echo Park]: *Provided further,* That none of the funds made available by this Act may be used to plan or implement the closure of the Pacific Northwest Regional Office in Seattle, Washington.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$423,220,000] *$402,933,000*: *Provided,* That [$52,835,000] *$50,195,000* shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That in fiscal year 1987 and thereafter the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further,* That, heretofore and hereafter, in carrying out work involving cooperation with any State, Territory, possession, or political subdivision thereof, the Geological Survey may, notwithstanding any other provision of law, record obligations against accounts receivable from any such entities and shall credit amounts received from such entities to this appropriation.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 14 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Geological Survey, and that within appropriations herein provided, Geological Survey officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further,* That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local government: *Provided further,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$162,893,000] *$153,987,000,* of which not less than [$45,354,000] *$41,617,000* shall be available for royalty management activities including general administration: *Provided,* That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of inter-

est in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That in fiscal year 1987 and thereafter, the Minerals Management Service is authorized to accept land, buildings, equipment and other contributions, from public and private sources, which shall be available for the purposes provided for in this account[: *Provided further,* That notwithstanding any other provision of law, $125,000,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury].

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$126,429,000] *$130,965,000,* of which [$77,505,000] *$74,680,000* shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, *or any excess property or land,* and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts *except that proceeds from the sale of land or property shall be available for the purchase of other land and property.*

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; [$99,078,000] *$96,130,000,* and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1987.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, [$232,720,000] *$187,020,000,* to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum[: *Provided further,* That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees]: *Provided further,* That the Secretary of the Interior may deny fifty percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95-87, when pursuant to the procedures set forth in section 521 of the Act, the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and the Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement[: *Provided further,* That none of the funds shall be used to implement any proposals for a cost-sharing matching fund in making State reclamation grants: *Provided further,* That the Office of Surface Mining Reclamation and Enforcement is to apportion the funding for the Secretary's discretionary fund, as referenced in section 402(g)(3) of Public Law 95-87, on the basis of the Abandoned Mine Lands Inventory]: *Provided further,* That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, [$892,328,000] *$887,666,000,* of which not to exceed [$56,418,000] *$54,918,000* for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), *and $20,000,000 for firefighting,* shall remain available for obligation until September 30, 1988, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1988: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), [$2,931,000] *$2,431,000,* to remain available until expended: *Provided further,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress[: Provided further, That none of the funds appropriated to the Bureau of Indian Affairs shall be used to move the Northern California agency office from Hoopa, California, unless a reprograming request has been submitted to and approved by the House and Senate Appropriations Committees]: *Provided further, That none of the funds contained in this Act shall be available for any payment to any school to which such school would otherwise be entitled pursuant to section 1128(b) of Public Law 95-561, as amended: Provided further, That the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.) shall be distributed on the same basis as such funds were distributed in fiscal year 1986: Provided further, That before initiating any action to close the Phoenix Indian School but no later than February 1, 1987, the Secretary shall submit to the Congress a report (1) on the school as required under section 1121(g)(3) of Public Law 95-561, as amended, including any warranted recommendations for the establishment of special programs at existing schools or the establishment of a new school or schools to be operated either by the Bureau of Indian Affairs or by a public school district to meet the needs of students from Arizona who are attending or might otherwise have attended the Phoenix Indian School; (2) on the Secretary's recommendation for the disposition of the property (including real property, supplies, and equipment) used for the school which recommendations may include the donation (with any restrictions on use and subject to a reverter for specified reasons the Secretary deems necessary or desirable) of some or all of the property to the State of Arizona, one or more local or tribal governments, or another Federal agency or the sale or exchange of some or all of the property at fair market value and a recommendation*

for the use of any cash received for a sale or to equalize values in an exchange; and (3) documentation of the Secretary's efforts to consult with the affected tribes and to offer assistance to the tribes in planning for future educational requirements for those currently eligible to attend the Phoenix Indian School, including those students from the Phoenix area attending school in California: Provided further, That the Secretary shall take no action to close the school or dispose of the property of the Phoenix Indian School until action by the Congress affirming or modifying the recommendations of the Secretary.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, [$86,066,000] *$67,951,000*, to remain available until expended[: *Provided*, That funds appropriated for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), may also be used for counseling and other activities related to the relocation of Navajo families].

ROAD CONSTRUCTION

[For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $2,500,000, to remain available until expended: Provided, That these funds shall not become available until the balance of funding needed to complete the project is provided from funds available to the State of Oklahoma: *Provided further*, That not] *Not* to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

WHITE EARTH TRUST FUND

For deposit into the White Earth Economic Development and Tribal Government Fund established pursuant to section 12 of Public Law 99-264, to be held in trust for the benefit of the White Earth Band of Chippewa Indians, $6,600,000.

MISCELLANEOUS TRUST FUNDS

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $1,000,000 from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1987, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed $16,320,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), [$2,652,000] *$2,485,000*, to remain available until expended: *Provided*, That during fiscal year 1987, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; and purchase of not to exceed 150 passenger carrying motor vehicles, of which 100 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, [$78,874,000] *$76,016,000*, of which (1) [$76,401,000] *$73,543,000* shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $2,473,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further, That Northern Mariana Islands Covenant grant funding shall be subject to the terms of the agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands.*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$14,340,000] *$66,987,000*, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration[: *Provided further*, That notwithstanding the proviso under "Trust Territory of the Pacific Islands" in Public Law 97-257 making funds available for the relocation and resettlement of the Bikini people in the Marshall Islands, such funds shall be available for relocation and resettlement of the Bikini people to any location].

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses for the Federated States of Micronesia and the Marshall Islands as provided for in sections 177, 122, 221, 223, 103(h)(2), and 103(k) of the Compact of Free Association, [$36,170,000] *$27,920,000*, [including $7,250,000 for the Enjebi Community Trust Fund, as authorized by Public Law 99-239.]

Notwithstanding any other provision of law, the funds made available under this head in Public Law 99-349 shall remain available for obligation until expended.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, [$42,482,000] *$42,822,000*, of which not to exceed $10,000 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$21,255,000] *$19,385,000* [, of which not less than $4,062,000 shall be in support of Office of Surface Mining Reclamation and Enforcement activities].

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, [$16,300,000] *$15,424,000*.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $684,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 12 additional aircraft, 10 of which shall be for replacement only: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. [Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.] *Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replace-*

ment, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided,* That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. (a) No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning northeast and north until such isobath intersects the maritime boundary between Canada and the United States of America, then north northeasterly along this boundary until this line intersects the 60 meter isobath at the northern edge of block 851 of protraction diagram NK 19-6; then along a line that lies between blocks 851 and 807 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line.

[(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

[(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

[(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, and Munson Canyon, and consisting of the following blocks, respectively:

[(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

[(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

[(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009, 1011.

[(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

[(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

[(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided,* That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce, on the date of enactment of this Act.

[(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

[(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.]

SEC. [108.] *107.* None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. [109.] *108.* Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [110.] *109.* No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

[SEC. 111. (a) The Secretary of the Interior may consider and accept, as part of the Outer Continental Shelf oil and gas leasing program for 1987 to 1992, any recommendation included in any proposal submitted to him with respect to lease sales on the California Outer Continental Shelf by the cochairmen of the Congressional panel established pursuant to Public Law 99-190 or by

the Governor of California on May 7, 1986. The major components of those proposals shall be examined in the final environmental impact statement for the program. Consideration or acceptance of any such recommendation shall not require the preparation of a revised or supplemental draft environmental impact statement.

[(b) The Secretary shall submit a copy of the draft proposed final leasing program for offshore California to the cochairmen of the negotiating group referred to in subsection (a) who shall have a period of 30 days in which to review such program and provide their comments and the comments of the negotiating group on it to the Secretary prior to its submission to the President and the Congress. When submitting the proposed final leasing program to the President and the Congress in accordance with section 18(d) (43 U.S.C. section 1344 (d)) of the Outer Continental Shelf Lands Act, such submission shall indicate in detail why any specific portion of the proposals referred to in subsection (a) of this section was not accepted.

[(c) Prior to the approval of the Final Program, referenced in subsection (a), the Secretary may conduct prelease activities for proposed California OCS Lease Sales 95, 91, and 119 and may make changes in those sales on the basis of comments submitted by the Congressional negotiating group or others, except that the Secretary may not issue a: (1) call for information and nominations for Sale 95 prior to March 1, 1987, and no draft environmental impact statement shall be published for Sale 91 sooner than 90 days after the Secretary's submission of the draft of the proposed Final Five Year Program to the members of the Congressional panel, and (2) final notice of lease sale for Lease Sale 91 prior to January 1, 1989.

[(d) The members of Congress designated under Sec. 111 of Public Law 99-190 (99 Stat. 1243) are hereby authorized to continue as the Congressional negotiating group and to negotiate with the Department of the Interior, to provide the Secretary of the Interior with the appropriate range of advice, including proposals, and to review and comment on proposals by the Department of the Interior with respect to future oil and gas leasing and protection of lands on the California Outer Continental Shelf.]

SEC. [112.] *110.* Notwithstanding any other law, the Secretary of the Interior shall convey without reimbursement to the State of Montana no later than December 31, 1986, all of the right, including all water rights, title, and interest of the United States in and to the fish hatchery property located south of Miles City, Montana, and known as the Miles City National Fish Hatchery, consisting of 168.22 acres, more or less, of land, together with any improvements and related personal property thereon.

[SEC. 113. The Secretary of the Interior is directed to designate the Laurel Highlands National Recreational Trail, as designated by the Secretary of the Interior pursuant to section 4 of the National Trails System Act, as part of the Potomac Heritage Trail, as requested by the State of Pennsylvania in its April 1984 application, subject to the provisions of paragraph (11) of section 5(a) of the National Trail System Act, as amended.

[SEC. 114. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended (without regard to the limitation contained in section 102) by adding at the end the following new subsection:

["(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

["(A) in the United States; and

["(B) from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

["(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1986.

["(3) The Secretary may waive—

["(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States; and

["(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

[SEC. 115. None of the funds made available by this Act for fiscal year 1987 to the Office of the Secretary, Department of the Interior, shall be expended to submit to the United States District Court for Eastern California any settlement with respect to Westlands v. the United States, et al. (CV-F-81-245-EDP).

[SEC. 116. The Secretary of the Interior shall designate the visitor center to be associated with the headquarters of the Illinois and Michigan Canal National Heritage Corridor as the "George M. O'Brien Visitor Center" in recognition of the leadership and contributions of Representative George M. O'Brien with respect to the creation and establishment of this national heritage corridor.

[SEC. 117. Notwithstanding any other provisions of the Land and Water Conservation Fund Act of 1965, Public Law 88-578, as amended, or other law, Land and Water Conservation Fund assisted land in Berkeley, Illinois, assisted under project No. 17-00180, may be exchanged for existing public lands if Land and Water Conservation Fund conversion criteria regarding equal fair market value and reasonably equivalent use and location are met.]

SEC. 111. None of the funds provided by this Act shall be expended by the Secretary of the Interior to promulgate final regulations concerning paleontological research on Federal lands until the Secretary has received the National Academy of Sciences' report concerning the permitting and post-permitting regulations concerning paleontological research and until the Secretary has, within 30 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences' report with the proposed regulations of the Department of the Interior.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$129,183,000] *$123,282,000,* of which [$3,400,000] *$6,500,000* shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$57,671,000] *$61,771,000,* to remain available until expended, to carry out activities authorized in Public Law 95-313: *Provided,* That a grant of [$3,000,000] *$2,800,000* shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for repayment of advances made in the preceding fiscal year pursuant to 16 U.S.C. 556d for forest fire protection and emergency rehabilitation of National Forest System lands, and including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", [$996,687,000] *$1,144,894,000,* of which [$144,767,000] *$245,780,000* for reforestation and timber stand improvement, cooperative law enforcement, *firefighting,* and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1988.

The Forest Service is encouraged to complete as expeditiously as possible development of land and resource management plans to meet the requirements of the National Forest Management Act (NFMA) of 1976. Under the provisions of section 6(c) of the NFMA (16 U.S.C. 1600), and notwithstanding any other provision of law, the Forest Service shall continue the management of units of the National Forest System under existing management plans pending the completion of land and resource management plans developed in accordance with the Act.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$192,409,000] *$276,130,000,* to remain available until expended, of which [$36,736,000] *$15,476,000* is for construction and acquisition of buildings and other facilities; and [$155,673,000] *$260,654,000* is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1987 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further, That the Forest Service shall achieve a 5 per centum reduction in the average cost per road mile as compared to the adjusted fiscal year 1985 average cost by a combination of the following two actions: (1) the application of road construction standards used to construct or*

reconstruct Forest Service roads, purchaser credit roads, or purchaser elect roads, and (2) reducing the direct personnel cost of designing and constructing roads to these standards: Provided further, That the Forest Service shall take administrative cost saving actions, including reductions in indirect personnel, overhead charges, and productivity improvements, in fiscal year 1987 in a manner so as to achieve a 5 per centum reduction in the average cost per road mile as compared to the adjusted fiscal year 1985 average cost: Provided further, That such actions shall be taken so as to achieve these 5 per centum reductions in each Forest Service region.

Pursuant to section (b)(2), The Act of December 23, 1980, Public Law 96-581 (94 Stat. 3372), not to exceed $300,000 from the sale of 18.13 acres to the Flagstaff Medical Regional Center, Flagstaff, Arizona, are hereby appropriated and made available, until expended, to the Forest Service for the specific purpose of contract administration and overruns resulting from the construction of administrative improvements at the Mt. Elden Work Center, Flagstaff, Arizona: Provided, That the Secretary of Agriculture shall ensure that outlays associated with such action shall not cause the total outlays during fiscal year 1987 from Forest Service land acquisition and construction activities and construction activities in region 3 (including Arizona and New Mexico) to exceed the total that otherwise would have occurred as a result of enactment of this or previous appropriations Acts.

There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $9,915,000 to be transferred to the Forest Service for road construction to serve the Mount St. Helens National Volcanic Monument, Washington: Provided, That the funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of this project shall be 100 per centum, and such funds shall remain available until expended: Provided further, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve any State other than the State of Washington.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$39,936,000] *$31,906,000*, to be derived from the Land and Water Conservation Fund, and $3,000,000 for acquisition of land and interests therein in the Columbia River Gorge, Oregon and Washington, as depicted on a map entitled "Columbia Gorge Acquisitions—1986" on file with the Forest Service, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache and Uinta National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $966,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 245 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 235 shall be for replacement only, of which acquisition of 148 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 58 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

[Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).]

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Notwithstanding any other provision of law, the Secretary of Agriculture is hereafter authorized to use from any receipts from the sale of timber a sum equal to the lowest acceptable bid for the construction of roads under the purchaser election program as described and authorized in section 14(i) of the National Forest Management Act of 1976.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest: *Provided,* That no less than [$26,781,000] *$26,000,000* shall be made available to the Forest Service for obligation in fiscal year 1987 from the Timber Salvage Sales Fund appropriation.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

[Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

The Forest Service is authorized and directed to negotiate, within 90 days after the enactment of this Act, settlement of claims against the United States resulting from a forest fire in the Black Hills National Forest.]

The Forest Service is hereby authorized and directed to pay certain claims against the United States resulting from a forest fire in the Black Hills National Forest on August 21-25, 1985. The Forest Service is directed to pay the eleven claims filed September 18, 1985, in the amount of $605,538.44, and to negotiate any other claims filed within 60 days of the date of enactment of this Act. The Forest Service is directed to pay these claims from funds available for firefighting purposes and is also directed to submit a budget request to replace firefighting funds expended for this purpose.

In order to provide for more comprehensive and effective management, the exterior boundary of the Gifford Pinchot National Forest in the State of Washington is hereby modified as generally depicted on a map entitled "Boundary Modification, Gifford Pinchot National Forest," dated August 1986. Such map and legal description of the boundary modification of said National Forest shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture and in appropriate field offices of that agency. This boundary modification shall not affect valid existing rights or interests in existing land use authorizations.

No more than $500,000 made available to the Forest Service for obligation in fiscal year 1987 shall be expended to implement the provisions of sections 3 and 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (the Act of August 17, 1974; 88 Stat. 476, as amended; 16 U.S.C. 1601 (note), 1600-1614).

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The Secretary of Energy pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), shall—

(1) no later than thirty days after the date of the enactment of this Act, publish in the Federal Register a notice soliciting statements of interest in, and informational proposals for, projects meeting the cost-sharing criteria contained under this head in Public Law 99-190 and employing emerging clean coal technologies which are capable of retrofitting, repowering, or modernizing existing facilities, which statements and informational proposals are to be submitted to the Secretary within [sixty] *eighty* days after the publication of such notice; and

(2) no later than [one hundred and twenty days after the receipt of statements of interest and informational proposals] *March 6, 1987*, submit to Congress a report that analyzes the information contained in such statements of interest and informational proposals and assesses the potential usefulness and commercial viability of each emerging clean coal technology for which a statement of interest or informational proposal has been received.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$314,512,000] *$242,947,000*, to remain available until expended, of which $221,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and $2,074,000 to be derived by transfer from unobligated balances in the "Fossil energy construction" account, and in addition, $437,000 to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the "Energy security reserve" established by Public Law 96-126: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, [$30,000,000] *$23,500,000* is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 20 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1987, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 1 passenger motor vehicle, for replacement only, $122,177,000, to remain available until expended.

Notwithstanding any other provision of law, including Public Law 81-152, the Secretary of Energy (hereafter "the Secretary") is directed to sell all of the United States' interest in Naval Petroleum Reserves Numbered 1 and 3 (hereafter "NPR Nos. 1 and 3"), including its interest in any contract for joint, unit, or other cooperative plans covering NPR 1 and 3 or in any corporate, partnership or other business entity to which the United States' interests in NPR Nos. 1 and 3 has been transferred. The provisions of chapter 641 of title 10, United States Code, shall cease to apply with respect to NPR Nos. 1 and 3 from the date the Secretary prescribes in arranging the sale of the United States interest therein.

The Secretary is directed to arrange sale of the United States' interest in Naval Petroleum Reserves Numbered 1 and 3; the Secretary is directed to attempt, insofar as practicable and consistent with the provisions of this section, to consummate such sales by June 30, 1987 with the initial minimum payment of $200,000,000 to the Treasury on or before September 30, 1987. In order to arrange and conduct a sale, the Secretary is authorized to: (1) create new corporations, partnerships or other business entities, and transfer the United States' interest to the new entities, without their being subject to the requirements of the Government Corporation Control Act (31 U.S.C. 919 et seq.); (2) enter into contracts, including contracts for investment banking and other professional services, without regard to any provision of law or regulation prescribing procedures to be followed in the formation of contracts or terms and conditions to be included in contracts, or regulating the performance of contracts; (3) use funds appropriated for any function or program of the Department of Energy, including the Naval Petroleum Reserves; and (4) negotiate, in consultation with the Secretary of the Interior, a settlement of the State of California's claim of entitlement to lands granted under the Act of March 3, 1953 (10 Stat. 244), and settle such claim out of the proceeds of sale, without paying such funds into the U.S. Treasury.

Before any condemnation proceedings are instituted, an effort shall be made to acquire the property by negotiation, unless, in the judgment of the Secretary, the effort to acquire the property by negotiation would be futile or unduly time-consuming, or otherwise not in the public interest.

In arranging the sale of the United States interest in NPR No. 1, the Secretary shall assure through the provisions in any contract of sale of such interest that: (1) the interest of small and independent refiners is protected by affording small refiners the right of first refusal to purchase at least 50 percent of the crude oil produced from NPR No. 1 for a period of five years from the date of sale and at least 25 percent of the crude oil produced from NPR No. 1 for a period of five years thereafter; (2) no subsequent contract for the purchase of crude oil from the United States share of NPR No. 1 would result in any person obtaining control, directly or indirectly, over more than 20 percent of the estimated annual crude oil production produced from NPR No. 1; and (3) any offer to sell crude oil from NPR No. 1 will be preceded by written notification to each of the small or independent refiners in existence which purchased crude oil from NPR No. 1 within the past 24 months.

Following the sale, the Secretary shall report to Congress on the steps that were taken to protect the interests of small refiners.

Sections 160 (a), (b), and (d) of the Energy Policy and Conservation Act (42 U.S.C. 6240 (a), (b), and (d)) shall cease to apply to the Naval Petroleum Reserves Numbered 1 and 3.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$285,825,000] *$246,413,000*, to remain available until expended[, of which $10,000,000 shall be available for a grant for an energy research facility at Tufts University when specifically authorized by an Act of Congress: *Provided*, That award of such grant may be made only upon approval of an appropriate peer review panel convened by the Department of Energy for the specific purpose of reviewing such grant application and subject to conditions, if any, contained, in legislation specifically authorizing such project: *Provided further*, That $2,500,000 of the amount provided under this heading shall be available for continuing a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: *Provided further*, That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 percent of the amount of Federal Government obligations: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of

the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further,* That none of the funds included in this appropriation may be used to carry out the requirements of Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341–6346)].

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $23,400,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,044,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), $147,433,000, to remain available until expended.

[SPR PETROLEUM ACCOUNT

[For expenses necessary for the acquisition, transportation, and injection of petroleum into the Strategic Petroleum Reserve, and for other necessary expenses as provided in 42 U.S.C. 6247, $220,000,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, the minimum required rate of fill is 75,000 barrels a day until all funds in this account are expended.]

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$60,361,000] *$59,651,000*[: *Provided,* That hereafter the information survey entitled "Manufacturing Energy Consumption Survey (EIA–846F)" shall contain a section III entitled "Fuel Switching Capability To and From Oil" in essentially the form submitted to the Office of Management and Budget on March 14, 1986, and shall be issued to survey energy consumption in 1985 and every three years thereafter].

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXI and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; [$836,336,000] *$833,106,000*: *Provided,* That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1988*; and $10,000,000 shall remain available until expended, for the establishment of an Indian Catastrophic Health Emergency Fund (hereinafter referred to as the "Fund"). Hereafter, the Fund is to cover the Indian Health Service portion of the medical expenses of catastrophic illness falling within the responsibility of the Service and shall be administered by the Secretary of Health and Human Services, acting through the central office of the Indian Health Service. No part of the Fund or its administration shall be subject to contract or grant under the Indian Self-Determination and Education Assistance Act (Public Law 93-638). There shall be deposited into the Fund all amounts recovered under the authority of the Federal Medical Care Recovery Act (42 U.S.C. 2651, et seq.), which shall become available for obligation upon receipt and which shall remain available for obligation until expended. The Fund shall not be used to pay for health services provided to eligible Indians to the extent that alternate Federal, State, local, or private insurance resources for payment: (1) are available and accessible to the beneficiary; or (2) would be available and accessible if the beneficiary were to apply for them; or (3) would be available and accessible to other citizens similarly situated under Federal, State, or local law or regulation or private insurance program notwithstanding Indian Health Service eligibility or residency on or off a Federal Indian reservation.* Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1988, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1988.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [$54,921,000] *$60,920,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS–18, and for uniforms or allowances therefor as authorized by law (35 U.S.C. 5901–5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations di-

rected at curtailing Federal travel and transportation: *Provided further,* That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That the Secretary of Health and Human Services may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: *Provided further,* That hereafter the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and worker's compensation claims, the proceeds of which shall be credited to the funds established by sections 401 and 402 of the Indian Health Care Improvement Act[: *Provided further,* That none of the funds made available in this Act to the Indian Health Service shall be used to implement additional changes in resource allocation methodology until the proposed changes in detail for fiscal year 1987 and the long-range plans for such changes have been submitted to and approved by the House and Senate Committees on Appropriations]: *Provided further, That section 103(c) of the Indian Self-Determination Act (88 Stat. 2206) is amended by adding the following sentence at the end thereof: "For purposes of section 224 of the Public Health Service Act of July 1, 1944 (42 U.S.C. 233(a)), as added by section 4 of the Act of December 31, 1970 (84 Stat. 1870) and redesignated by section 301(c) of the Act of November 18, 1971 (85 Stat. 463), and chapter 171 and section 1346 of title 28, United States Code, with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act or the so called Buy-Indian Act in the Act of April 30, 1908 (35 Stat. 71) or section 23 of the Act of June 25, 1910 (36 Stat. 861) (25 U.S.C. 47) is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out such contract or agreement and its employees (including those acting on behalf of the organization or contractor as provided in section 2671 of title 28) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or agreement.": Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for new hospital facilities in Anchorage, Alaska and in Kotzebue, Alaska, the Secretary of Health and Human Services may exchange any or all interests in any land administered by the Secretary in Alaska for any or all interests in any land of the State of Alaska, any political subdivision of the State, or any corporation, including the University of Alaska and may receive money if necessary to equalize the exchange: Provided further, That any such receipts shall be credited to the Indian Health facilities appropriation and be used to offset the cost of construction of these two facilities.*

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, [$67,236,000] *$62,000,000* of which [$50,021,000] *$46,832,000* shall be for part A and [$14,749,000] *$12,900,000* shall be for parts B and C: *Provided,* That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1988.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, [$22,289,000] *$22,335,000,* to remain available until expended, for operating expenses of the Commission: *Provided,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who *has not received relocation benefits and who,* as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe until such time as a new or replacement home is available for such household: *Provided further,* That of the funds provided under this head, not to exceed [$65,000] *$100,000* shall be used to contract for legal services[: *Provided further,* That of the funds provided under this head, not less than $492,000 shall be used for pre- and post-move counseling: *Provided further,* That none of the funds appropriated may be used to contract for the services of anyone who has been registered as a lobbyist for the Navajo and Hopi Indian Relocation Commission: *Provided further,* That the Commission shall relocate those certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation, and to the maximum extent practicable, shall relocate them in the chronological order in which they became certified: *Provided further,* That of the funds provided under this head, not to exceed $410,000 shall be used for personnel compensation and benefits of the Office of Policy and Direction of the Commission].

The Commission shall review the eligibility of all households certified as eligible who have not received relocation benefits and shall decertify any household which was certified contrary to law or regulation.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$189,318,000] *$180,550,000,* including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$4,851,000] *$2,500,000,* to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$12,113,000] *$12,028,000,* to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That notwithstanding any other provisions of law, the Secretary of the Smithsonian Institution is authorized to expend and/or transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $100,000 within available funds for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

CONSTRUCTION

For necessary expenses to construct, equip, and furnish the Center for African, Near Eastern, and Asian Cultures in the area south of the original Smithsonian Institution Building, and [a research laboratory and conference facility at] *for* the Smithsonian Tropical Research Institute in Panama, [$6,095,000] *$6,130,000,* to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at

such rates or prices and under such terms and conditions as the Gallery may deem proper, $34,607,000, of which not to exceed $2,420,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds, and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $2,400,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Salaries and expenses, National Gallery of Art" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, [$3,383,000] *$3,138,000.*

ENDOWMENT CHALLENGE FUND

To carry out the provisions of Public Law 99-190 (99 Stat. 1259), $300,000, to remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$136,661,000] *$132,950,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act[: *Provided*, That none of these funds may be used to propose a reprograming of funds for an increase in administration unless a sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985 is implemented for fiscal year 1987].

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$29,000,000] *$27,000,000*, to remain available until September 30, 1988, to the National Endowment for the Arts, of which [$20,580,000] *$18,000,000* shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$110,141,000] *$107,700,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act[: *Provided*, That none of these funds may be used to propose a reprograming of funds for an increase in administration unless a sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985 is implemented for fiscal year 1987].

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$28,500,000] *$29,000,000* to remain available until September 30, 1988, of which $16,500,000 shall be available to National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), [$3,500,000] *$4,000,000*[, for the following eligible organizations: Shakespeare Theater at the Folger, Corcoran Gallery of Art, Phillips Gallery, Arena Stage, the National Building Museum, the National Symphony Orchestra, the Washington Opera Society, Ford's Theater, and the Washington Ballet: *Provided*, That none of the funds may be used to implement paragraphs three and four contained under this head in Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a)].

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, [$21,394,000] *$18,888,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further, That the Museum Services Board shall not meet more than three times during fiscal year 1987.*

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), [$420,000] *$450,000.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,533,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $2,684,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $5,000, to remain available until September 30, 1988.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, [$2,342,000] *$2,437,000* for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, [$3,869,000] *$3,924,000*, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, [$2,040,000] *$2,057,000*: *Provided*, That persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: *Provided further*, That any persons so designated shall serve without cost to the Federal Government: *Provided further*, That none of these funds shall be available for the compensation of Executive Level V or higher positions[: *Provided further*, That reimbursement for travel expenses for Council employees is available only when approved by the Chairman of the Council: *Provided further*, That the Chairman of the Council may waive any Council bylaw when the Chairman determines such waiver will be in the best interest of the Council].

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for

use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs[: *Provided further,* That the Secretary of the Interior shall make and publish regulations under this section that are consistent with the existing regulations that have been promulgated by the Secretary of Agriculture].

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the States of Alaska, and lands in the National Forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1)(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1987 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

[SEC. 314. No funds appropriated or made available under this or any other Act shall be used by the executive branch for soliciting proposals, preparing or reviewing studies or drafting proposals designed to aid in or achieve the transfer out of Federal ownership, management or control in whole or in part the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915, until such activities have been specifically authorized by an Act of Congress hereafter enacted and unless specific provision is made for such activities in an appropriations Act: *Provided,* That this provision shall not apply to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1949, as amended, and the Surplus Property Act of 1944 to sell or otherwise dispose of surplus property.

[SEC. 315. Section 1013 of the Budget and Impoundment Control Act (2 U.S.C. 684) shall not apply to funds herein appropriated.]

SEC. 314. Notwithstanding any other provision of law, funds appropriated by this or any other Act shall be available to the Trust Territory of the Pacific Islands on the same basis as such funds were available during fiscal year 1986 until alternative funding is available under the terms of the Compact of

Free Association Act of 1985 (Public Law 99-239).

SEC. 315. Notwithstanding any other provision of law, any lease for those Federal lands within the Gallatin and Flathead National Forests which were affected by case CV-82-42-BU of the United States District Court for the District of Montana, Butte Division, for which the Secretary of the Interior or the Secretary of Agriculture has directed or assented to the suspension of operations and production pursuant to section 39 of the Act of February 25, 1920 (30 U.S.C. 184) shall be excepted from the limits on aggregate acreage set out in that Act: Provided, That any person, association or corporation receiving relief under this section shall bring its aggregate acreage into compliance with the provisions of the Act of February 25, 1920 (30 U.S.C. 184) within six months from the date the suspension of operation and production ends.

SEC. 316. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

SEC. 317. Section 221 of the Biomass Energy and Alcohol Fuels Act of 1980 (Public Law 96-294; 42 U.S.C. 8821) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1987".

SEC. 318. Section 12(b)(7)(iv) of the Act of January 2, 1976 (Public Law 94-204), as amended, is amended by striking the word "ten" and inserting in lieu thereof the word "seven".

SEC. 319. To assure that National Forest and Bureau of Land Management timber included in sales defaulted by the purchaser, or returned under the Federal Timber Contract Payment Modification Act, is available for resale, the Secretary of Agriculture and the Secretary of Interior are authorized to resell, as part of the sales programs provided for by this Act, all such timber, and to permit necessary roads and other developments, notwithstanding any other provision of law. Sales that are reoffered may be modified without subjecting the decision to reoffer the sale to administrative appeal or judicial review. This section shall not apply to any decision on the determination of damages due to the Government for defaulted or canceled contracts.

Mr. McCLURE. Mr. President, my understanding is that we will defer further business on this bill until tomorrow morning. It will be the pending business at that time and opening statements will consume very little time.

So I might advise those Members who have comments about or interest in that legislation they should expect to be on the floor very promptly on tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1700

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

REHABILITATION ACT AMENDMENTS OF 1986

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate turn to Calendar Order No. 809, the Rehabilitation Act Amendments of 1986.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2515) to reauthorize the Rehabilitation Act of 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Rehabilitation Act Amendments of 1986".

TITLE I—GENERAL PROVISIONS AMENDMENTS

STATEMENT OF PURPOSE

SEC. 101. Section 2 of the Rehabilitation Act of 1973 (hereinafter referred to as the "Act") is amended by inserting immediately before the period at the end thereof a comma and "for individuals with handicaps in order to maximize their employability, independence, and integration into the workplace and the community".

REHABILITATION SERVICES ADMINISTRATION

SEC. 102. Section 3 of the Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall take such action as necessary to ensure that—

"(1) the staffing of the Rehabilitation Services Administration shall be in sufficient numbers to meet program needs and at levels which will attract and maintain the most qualified personnel; and

"(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.".

DEFINITIONS

SEC. 103. (a) Paragraph (5) of section 7 of the Act is amended—

(1) by inserting "recreational," in subparagraph (B) after "cultural, social,";

(2) by inserting "employability" after "individual's" the second time it appears;

(3) by striking out "and" at the end of subparagraph (F);

(4) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new subparagraph:

"(H) where appropriate, the provision of rehabilitation engineering services to any individual with a handicap to assess and develop the individual's capacities to perform adequately in a work environment.".

(b) Section 7 of the Act is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) The term 'employability', with respect to an individual, means a determination that, with the provision of vocational rehabilitation services, the individual is likely to enter or retain, as a primary objective, full-time employment, and when appropriate, part-time employment, consistent with the capacities or abilities of the individual in the competitive labor market or any other vocational outcome the Secretary may determine.".

(c) Section 7 of the Act is further amended by redesignating paragraphs (11), (12), and (13) as paragraphs (13), (14), and (15), respectively, and by inserting before paragraph (13) (as redesignated) the following new paragraph:

"(12) The term 'rehabilitation engineering' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with handicaps in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.".

(d) Paragraph (13) of section 7 of the Act (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "or" in subparagraph (C) and inserting in lieu thereof "and";

(2) by striking out "and" at the end of subparagraph (K);

(3) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof a comma and "and"; and

(4) by adding at the end thereof "(M) psychosocial rehabilitation services for individuals with chronic mental illness.".

(e) Paragraph (15) of section 7 of the Act (as redesignated by subsection (c) of this section) is amended to read as follows:

"(15) The term 'severe handicap' with respect to an individual means an individual with handicaps—

"(i) who has a severe physical or mental disability which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employability;

"(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

"(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or other disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.".

(f) Section 7 of the Act is further amended—

(1) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively; and

(2) by adding at the end thereof the following new paragraph:

"(18) The term 'supported employment' means competitive work in integrated work settings—

"(A) for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or

"(B) for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who, because of their handicap, need ongoing support services to perform such work. Such term includes transitional employment for individuals with chronic mental illness. For the purpose of this Act, supported employment as defined in this paragraph may be considered an acceptable outcome for employability.".

MONITORING EVALUATION AND ADMINISTRATION

SEC. 104. (a) Section 12(a) of the Act is amended by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5) provide monitoring and conduct evaluations.".

(b) Section 12(b) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.".

EVALUATION

SEC. 105. (a) The first sentence of section 14(a) of the Act is amended to read as follows: "For the purpose of improving program management and effectiveness, the Commissioner shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs.".

(b) Section 14 of the Act is amended by striking out "Secretary" each time it appears and inserting in lieu thereof "Commissioner".

TRANSFER OF FUNDS

SEC. 106. Section 16 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"SEC. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized.

"(b) No more than one-half of 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.".

REVIEW OF APPLICATIONS

SEC. 107. (a) The Act is amended by inserting after section 16 the following new section:

"REVIEW OF APPLICATIONS

"SEC. 17. Applications for grants or contracts in excess of $125,000 authorized to be funded under this Act shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the rate provided for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.".

(b) The table of contents of the Act is amended by inserting after the item relating to section 16 the following:

"Sec. 17. Review of applications.".

TITLE II—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a)(1) Section 100(b)(1)(A) of the Act is amended—

(A) by striking out "$1,037,800,000" and inserting in lieu thereof "$1,281,000,000";

(B) by striking out "1984" and inserting in lieu thereof "1987"; and

(C) by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1988, 1989, and 1990".

(2) Section 100(b)(1)(B) of the Act is amended by striking out "1985 and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

(3) Subparagraph (C) of section 100(b)(1) of the Act is repealed.

(b) Section 100(b)(2) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

(c) Section 100(b)(3) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

STATE PLANS

SEC. 202. (a)(1) Section 101(a)(5)(A) of the Act is amended—

(A) by inserting after "severe handicaps" the first time it appears, the following: "including individuals served under part C of title VI of this Act,";

(B) by inserting after "including" the following: "the results of a Statewide assessment of the rehabilitation needs of individuals with severe handicaps residing within the State and the State's response to the assessment,"; and

(C) by inserting after "show" the following: "and provide the justification for".

(2) Section 101(a)(5) of the Act is amended—

(A) by striking out "and" at the end of subclause (A);

(B) by inserting "and" at the end of subclause (B); and

(C) by adding at the end thereof the following new subclause:

"(C) describe how rehabilitation engineering services will be provided to assist an increasing number of individuals with handicaps;".

(b) Section 101(a)(11) of the Act is amended by inserting "mental health community support programs," after "State's public assistance programs,".

(c) Section 101(a)(15) of the Act is amended—

(1) by striking out "(including" and inserting in lieu thereof ", including conducting a full needs assessment for serving individuals with severe handicaps and including"; and

(2) by striking out "agency)" and inserting in lieu thereof "agency".

(d) Section 101(a) of the Act is amended—

(1) by striking out "and" at the end of clause (21);

(2) by striking out the period at the end of clause (22) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clause:

"(23) provide satisfactory assurances that the State has an acceptable plan for part C of title VI.".

INDIVIDUALIZED REHABILITATION PROGRAM

SEC. 203. (a) Section 102(b) of the Act is amended to read as follows:

"(b)(1) Each individualized written rehabilitation program shall—

"(A) be developed, on the basis of a determination of employability to achieve the vocational objective of the individual;

"(B) include a statement of the long-range rehabilitation goals for the individual;

"(C) include a statement of the intermediate rehabilitation objectives related to the attainment of such goals;

"(D) where appropriate, include a statement of the specific rehabilitation engineering services to be provided to assist in the implementation of intermediate objectives and long-range rehabilitation goals for the individual;

"(E) include an assessment of the expected need for post-employment services;

"(F) include a statement of the specific vocational rehabilitation services to be provided and the projected dates for the initiation and the anticipated duration of each such service;

"(G) include objective criteria and an evaluation procedure and schedule for determining whether such goals and objectives are being achieved;

"(H) provide for a reassessment of the need for post-employment services prior to case closure and, where appropriate, for severely handicapped individuals, the development of a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers; and

"(I) provide a description of the availability of a client assistance project established in such area pursuant to section 112.

"(2) Each individualized written rehabilitation program shall be reviewed annually at which time such individual (or in appropriate cases, the parents or guardian of the individual) will be afforded an opportunity to review such program and jointly redevelop and agree to its terms. Each individualized written rehabilitation program shall be revised as needed.".

(b) Section 102(d) of the Act is amended to read as follows:

"(d)(1) Any individual with a handicap (and, in appropriate cases, the parent or guardian of the individual) who is not satisfied with any determination or decision by the designated State unit shall have the right to a review of that determination or decision.

"(2) The Director of any designated State unit shall establish procedures for the review of determinations made by the rehabilitation counselor or coordinator with respect to either a determination of ineligibility or the development or implementation of the individualized written rehabilitation program. Such review shall occur upon the request of the individual with a handicap (and, in appropriate cases, the parent or guardian of the individual). Such review shall be held before an impartial hearing officer and shall be based on the provisions of the State plan approved under section 101(a).".

VOCATIONAL REHABILITATION SERVICES

SEC. 204. Section 103(a) of the Act is amended—

(1) by striking out "and" at the end of clause (10);

(2) by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(12) rehabilitation engineering services.".

CLIENT ASSISTANCE PROGRAM

SEC. 205. (a) Section 112(a) of the Act is amended by adding at the end thereof the following new sentence: "The client assistance program may provide information on the available services under this Act to any handicapped individuals in the State.".

(b)(1) The last sentence of section 112(c)(1) of the Act is amended by inserting after "may" a comma and the following: "in the initial designation,".

(2) Section 112(c)(1) of the Act is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new paragraph:

"(B) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and only after notice has been given of the intention to make such redesignation to handicapped individuals or their representatives.".

(c)(1) Paragraph (1) of section 112(e) of the Act is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $75,000 for States and $45,000 for territories.

"(ii) Subject to subsection (c), the Commissioner may increase the minimum allotment under subparagraph (A) for any fiscal year for which funds appropriated under this section for such fiscal year exceed the sums appropriated under this section for the preceding fiscal year by more than the percentage increase in the Consumer Price Index published monthly by the Bureau of Labor Statistics.".

(2) Section 112(e)(3)(A) of the Act is amended to read as follows:

"(3)(A) The Secretary shall pay to the designated agency from the allotment of the State the amount specified in the application approved under subsection (e).".

(d) Paragraph (1) of section 112(g) of the Act is amended by striking out ", or receive benefits of any kind directly or indirectly from".

(e) Section 112(i) of the Act is amended to read as follows:

"(i) There are authorized to be appropriated $7,100,000 for fiscal year 1987, $7,550,000 for fiscal year 1988, $8,000,000 for fiscal year 1989, and $8,450,000 for fiscal year 1990 to carry out the provisions of this section.".

TITLE III—RESEARCH AND TRAINING

REAUTHORIZATION

SEC. 301. Section 201(a) of the Act is amended to read as follows:

"SEC. 201. (a) There are authorized to be appropriated—

"(1) for the purpose of providing for the expenses of the National Institute of Handicapped Research under section 202, other than expenses to carry out section 204, such sums as may be necessary for fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990; and

"(2) $49,000,000 for fiscal year 1987, $52,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, and $58,000,000 for fiscal year 1990 for the purpose of carrying out section 204, of which $1,000,000 shall be available for fiscal year 1987, $1,050,000 for fiscal year 1988, $1,102,500 for fiscal year 1989, and $1,160,000 for fiscal year 1990 for the purpose of carrying out the last sentence of section 204(2)(C).".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 302. Section 202(j)(2) of the Act is amended—

(1) by inserting immediately before the period the following: "in order to improve services to individuals with handicaps through relevant rehabilitation research and training in the Pacific Basin and to assist in the coordination of rehabilitation services provided by a broad range of agencies and entities; and

(2) by adding at the end thereof the following: "Such Center shall (A) develop a sound demographic base, (B) analyze, develop, and utilize appropriate technology, (C) develop a culturally relevant rehabilitation manpower development program, and (D) facilitate interagency communication and cooperation, implementing advanced information technology.".

COMPOSITION OF INTERAGENCY COMMITTEE

SEC. 303. Section 203(a)(1) of the Act is amended by inserting "the Director of the National Institute of Mental Health," after "Institutes of Health,".

RESEARCH

SEC. 304. (a) The second sentence of section 204(a) of the Act is amended—

(1) by inserting "recreational," after "vocational, social,"; and

(2) by inserting "studies, analyses, and other activities related to supported employment;" after "needs of handicapped individuals;".

(b) Section 204(b) of the Act is amended—

(1) by adding at the end of paragraph (1) the following: "The peer review of all applications for the renewal of a Rehabilitation Research and Training Center grant shall take into account the past performance of the applicant in carrying out the grant. The host institution with which the Rehabilitation Research and Training Center is affiliated may not collect in excess of 15 percent in indirect cost charges.";

(2) in paragraph (2)—

(A) by striking out "and to (B)" and inserting in lieu thereof "to (B)"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and to (C) demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation engineering services to assist in meeting the needs of, and addressing the barriers confronted by individuals with handicaps. In fiscal year 1987, at least two such Rehabilitation Engineering Centers shall be established. One grant to provide demonstrations pursuant to clause (C) of this paragraph shall be made to an agency or organization in the State of South Carolina and one such grant shall be made to an agency or organization in the State of Connecticut."; and

(3) in paragraph (7) by inserting "the National Institute of Mental Health," after "Institutes of Health,".

(c) Section 204(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(14) Conduct of a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices designed to enable individuals with handicaps to achieve independence and accessibility to gainful employment.".

(d) Section 204 of the Act is amended by adding at the end thereof the following new subsection:

"(d) In carrying out evaluations of research demonstration and related projects under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the project. The Director shall not make a grant under this section which exceeds $299,999 unless the peer review of the grant application has included a site visit.".

TITLE IV—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 401. Section 301(a) of the Act is amended—

(1) by striking out "1986" and inserting in lieu thereof "1990"; and

(2) by striking out "1987" and inserting in lieu thereof "1991".

VOCATIONAL TRAINING

SEC. 402. Section 302(a) of the Act is amended by striking out "1986" and inserting in lieu thereof "1990".

TRAINING

SEC. 403. (a) Section 304(a) of the Act is amended by redesignating clauses (2) and (3) as clauses (3) and (4), respectively, and inserting after clause (1) a comma and the following: "(2) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with severe handicaps,".

(b) The first sentence of section 304(b) of the Act is amended—

(1) by inserting before "rehabilitation medicine" the following: "rehabilitation engineering,";

(2) by inserting "rehabilitation dentistry," after "rehabilitation psychology,";

(3) by inserting "physical education, therapeutic recreation," after "speech pathology and audiology,"; and

(4) by inserting "specialized personnel in providing employment training for supported employment, other specialized personnel for those individuals who meet the definition of severely handicapped," after "services for handicapped individuals,".

(c) Section 304(e) of the Act is amended by striking out "$22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986" and inserting in lieu thereof "$31,000,000 for the fiscal year 1987, $33,000,000 for the fiscal year 1988, $35,000,000 for the fiscal year 1989, and $37,000,000 for the fiscal year 1990".

REHABILITATION CENTERS REAUTHORIZATION

SEC. 404. Section 305(g) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

SPECIAL PROJECTS REAUTHORIZATION

SEC. 405. Section 310(a) of the Act is amended—

(1) by striking out "section 316" and inserting in lieu thereof "sections 311(d), 311(e), and 316"; and

(2) by striking out "$12,900,000 for the fiscal year 1984, $13,600,000 for the fiscal year 1985, and $14,300,000 for the fiscal year 1986" and inserting in lieu thereof the following: "$15,860,000 for fiscal year 1987, $16,790,000 for fiscal year 1988, $17,800,000 for fiscal year 1989, and $18,900,000 for fiscal year 1990".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 406. Section 311 of the Act is amended by inserting at the end thereof the following new subsections:

"(d)(1)(A) The Commissioner may make grants to public and nonprofit rehabilitation facilities, designated State units, and other public and private agencies and organizations for the cost of developing special projects and demonstrations providing supported employment.

"(B) Not less than one such grant shall be nationwide in scope. The grant shall (i) identify community-based models that can be replicated, (ii) identify impediments to the development of supported employment programs (including funding and cost considerations), and (iii) develop a mechanism to explore the use of existing community-based rehabilitation facilities as well as other community-based programs.

"(2)(A) The Commissioner may make grants to public agencies and nonprofit private organizations for the cost of providing technical assistance to States in implementing part C of title VI of this Act.

"(B) Not less than one such grant shall be nationwide in scope. Each eligible applicant must have experience in training and provision of supported employment services.

"(3)(A) On June 1, 1988, and on each subsequent June 1, the Commissioner shall submit a report to the Congress on activities assisted under paragraph (1) for the preceding fiscal year which includes—

"(i) a list of the grants awarded under this subsection;

"(ii) the number of individuals with severe handicaps served by each grant recipient, the average cost to provide support services to each such individual, and the average wage paid to each such individual; and

"(iii) the recommendations of the projects under paragraph (1)(B).

"(B) Each such report shall also include activities assisted under paragraph (2) for the preceding fiscal year, including (i) a list of the grants awarded under subsection (2), (ii) the nature of technical assistance activities undertaken, and (iii) recommended areas where additional technical assistance is necessary.

"(4) There are authorized to be appropriated to carry out the provisions of this subsection $9,000,000 for the fiscal year 1987, $9,520,000 for the fiscal year 1988, $10,080,000 for the fiscal year 1989, and $10,690,000 for the fiscal year 1990.

"(e)(1) The Commissioner, subject to the provisions of section 306, shall make grants in accordance with the provisions of this subsection for the purpose of developing, expanding, and disseminating model statewide transitional planning services for severely handicapped youth. In order to facilitate similar model transitional programs, each grantee under this subsection shall—

"(A) collect data documenting the effectiveness of the project, including data on the outcome of the individuals served; and

"(B) disseminate the information to other States.

"(2) No grant may be made under this subsection unless an application is submitted to the Commissioner at such time, in such form, and in accordance with such procedures as the Commissioner may require.

"(3)(A) One grant under this subsection shall be made to a public agency in a predominantly urban State in New England for an existing model statewide transitional planning services program.

"(B) The application for the grant specified in subparagraph (A) shall—

"(i) provide assurances that a single office or agency of the State has responsibility for managing the referral process assigned under the model program for which assistance is sought;

"(ii) provide assurances that the schools involved, in consultation with families, initiate a referral at least two years prior to the anticipated date on which each such student will finish courses of study at the school;

"(iii) provide assurances that individualized transition plans will be developed by the schools and adult providers working cooperatively;

"(iv) provide assurances that case management responsibilities, together with appropriate tracking of each case designed to report on the progress of the handicapped individual, will be part of the responsibility of the office or agency designed under clause (i); and

"(v) contain such other assurances as the Commissioner may reasonably require.

"(4)(A)(i) A second grant authorized by this subsection shall be made to a public agency in a predominantly rural western State.

"(ii) A third grant authorized by this subsection shall be made to a public agency or nonprofit private organization in a predominantly rural southwestern State.

"(B) Each application for a grant submitted pursuant to subparagraph (A) of this paragraph shall describe model transitional planning services for both severely and mildly handicapped youth designed to develop procedures, strategies, and techniques which may be replicated successfully in other rural States.

"(5) There are authorized to be appropriated $450,000 for fiscal year 1987, $475,830 for fiscal year 1988, $504,427 for fiscal year 1989, and $535,550 for fiscal year 1990 to carry out the provisions of this subsection.".

SPECIAL RECREATIONAL PROGRAMS

SEC. 407. Section 316 of the Act is amended to read as follows:

"SEC. 316. (a)(1) The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations for paying part or all of the cost of initiation of recreation programs to provide handicapped individuals with recreational activities and related experiences to aid in the mobility, socialization, independence, and community integration of such individuals. The programs authorized to be assisted under this section may include, but are not limited to, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. Whenever possible and appropriate, such programs and activities should be provided in settings with nonhandicapped peers. Programs and activities under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with handicaps.

"(2) Each such grant shall be made for a minimum of a three-year period.

"(3) No grant may be made under this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted before or after school.

"(b) There are authorized to be appropriated $2,330,000 for fiscal year 1987, $2,470,000 for fiscal year 1988, $2,620,000 for fiscal year 1989, and $2,780,000 for fiscal year 1990, to carry out this section.".

TITLE V—NATIONAL COUNCIL ON THE HANDICAPPED

PURPOSE OF THE COUNCIL

SEC. 501. Section 400(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The purpose of the National Council is to promote the full integration, independence, and productivity of handicapped individuals in the community, schools, the workplace and all other aspects of American life.".

DUTIES OF THE COUNCIL

SEC. 502. (a)(1) Section 401(a)(4) of the Act is amended to read as follows:

"(4) review and evaluate on a continuing basis—

"(A) all policies, programs, and activities concerning handicapped individuals and persons with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

"(B) all statutes pertaining to Federal programs which assisted such handicapped individuals and persons with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of handicapped individuals and persons with disabilities;".

(2) Section 401(a) of the Act is amended—

(A) by redesignating clauses (5), (6), and (7), as clauses (6), (7), and (8), respectively, and

(B) by inserting after clause (4) the following:

"(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;".

(3) Section 401(a)(8) of the Act as redesignated by paragraph (2) is amended by inserting "legislative proposals" after "recommendations".

(b) Section 401(b) of the Act is amended to read as follows:

"(b) The National Council shall—

"(1) examine existing data regarding circumstances of disabled citizens with respect to employment, income, transportation, housing, community living, education, discrimination, health services, and participation in community activities;

"(2) based on data developed under clause (1), establish goals to be reached by the year 2000 for individuals with handicaps in each of the areas referred to in clause (1), and recommend strategies for meeting such goals;

"(3) issue a report outlining the goals and strategies outlined in clauses (1) and (2) within 6 months after the date of enactment of the Rehabilitation Act Amendments of 1986; and

"(4) submit an annual report, beginning on January 30, 1989, to the President and to the Congress outlining the progress of the Nation in meeting such goals.".

STAFF

SEC. 503. Section 403(b) of the Act is amended by striking out paragraph (4).

REAUTHORIZATION

SEC. 504. Section 405 of the Act is amended by inserting before the period at the end thereof the following: "for each of the fiscal years 1987, 1988, 1989, and 1990".

TITLE VI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

REAUTHORIZATION

SEC. 601. Section 502(i) of the Act is amended by striking out "1986" and inserting in lieu thereof "1990".

SPECIAL REPORTS

SEC. 602. Section 502(g) of the Act is amended by adding at the end thereof the following: "The Board shall prepare and submit two additional reports of its activities under subsection (c) of this section, one report on its activities in the field of transportation barriers of handicapped individuals and the other report on its activities in the field of the housing needs of handicapped individuals. The two additional reports required by the previous sentence shall be submitted not later than February 1, 1988.".

ELECTRONIC EQUIPMENT ACCESSIBILITY

SEC. 603. (a) Title V of the Act is amended by inserting after section 507 the following new section:

"ELECTRONIC EQUIPMENT ACCESSIBILITY

"SEC. 508. (a)(1) The Secretary, through the National Institute of Handicapped Research, and in consultation with the electronics industry, shall develop and establish guidelines for electronic equipment accessibility designed to insure that handicapped individuals may use electronic office equipment with or without special peripherals.

"(2) The guidelines established pursuant to paragraph (1) shall be applicable with respect to electronic equipment, whether purchased or leased.

"(3) The initial guidelines shall be established not later than October 1, 1987, and shall be continually revised as technologies advance or change.

"(b) Beginning after September 30, 1988, the Administrator of the General Services Administration shall adopt guidelines for electronic equipment accessibility established under subsection (a) for Federal procurement of electronic equipment. Each agency shall comply with the guidelines adopted under this subsection.

"(c) For the purpose of this section, the term 'special peripherals' means a special needs aid that provides access to electronic equipment that is otherwise inaccessible to a handicapped individual.".

(b) The table of contents of the Act is amended by inserting after item "Sec. 507." the following new item:

"Sec. 508. Electronic equipment accessibility.".

TITLE VII—PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

COMMUNITY SERVICE EMPLOYMENT

REAUTHORIZATION

SEC. 701. Section 617 of the Act is amended by striking out "fiscal years 1984, 1985, and 1986" and inserting in lieu thereof "fiscal years 1987, 1988, 1989, and 1990".

PROJECTS WITH INDUSTRY

SEC. 702. (a)(1) Section 621(a) of the Act is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(B) by inserting after the subsection designation the following: "(1) The purpose of this title is to promote opportunities for competitive employment of individuals with handicaps, to provide appropriate placement resources, to engage the talent and leadership of private industry as partners in the rehabilitation process, to create practical settings for job readiness and training programs, and to secure the participation of private industry in identifying and providing job opportunities and the necessary skills and training to qualify people with handicaps for competitive employment.".

(2) Clauses (A), (B), and (C) of section 621(a)(2) of the Act (as redesignated by this subsection) are amended to read as follows:

"(A) shall create and expand job opportunities for individuals with handicaps by providing for the establishment of appropriate job placement services;

"(B) shall provide individuals with handicaps with training in a realistic work setting in order to prepare them for employment in the competitive market;

"(C) shall provide handicapped individuals with such supportive services as may be required to permit them to continue to engage in the employment for which they have received training under this section;

"(D) shall, to the extent appropriate, expand job opportunities for handicapped individuals by providing for (i) the development and modification of jobs to accommodate the special needs of such individuals, (ii) the distribution of special aids, appliances, or adapted equipment to such individuals, and (iii) the modification of any facilities or equipment of the employer which are to be used primarily by handicapped individuals; and

"(E) shall provide for business advisory councils comprised of representatives of private industry, business concerns, and organized labor who will identify job availability within the community and the skills necessary to fill jobs identified, and prescribe training and programs tailored to their need.".

(3) The amendment made by paragraph (2), adding clause (E) to section 621(a)(2) of the Act, shall take effect one year after the date of enactment of this Act.

(b) Section 621(b) of the Act is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after clause (3) the following new clause:

"(4) provides assurances that an evaluation report containing data specified under subsection (a)(4) shall be submitted to the Commissioner.".

(c) Section 621(d)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

(d) Section 621 of the Act is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Commissioner may provide, directly or by way of grant or contract, technical assistance to (1) entities conducting Projects With Industry for the purpose of assisting such entities in the improvement of or in the development of relationships with private industry or labor, and (2) entities planning the development of new Projects With Industry.".

(e) Subsections (f) and (g) of section 621 of the Act (as redesignated by subsection (c)) are amended to read as follows:

"(f)(1) Each grantee receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grantee is not in compliance with the provisions of the approved application of the grantee.

"(2) Grantees continuing to receive assistance on the basis of the review described in paragraph (1) of this subsection shall be evaluated by the Commissioner using standards described in subsection (d)(1) of this section. Each such grantee shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grantee. In determining whether the grantee is in compliance as required by this sentence, the Commissioner shall annually review each evaluation report submitted under subsection (b)(4) and make a determination concerning the termination, modification, or renewal of each agreement for financial assistance under this section.

"(3) Competition for new grant awards under this part shall include consideration of past performance.

"(g) In approving applications under this section, the Commissioner shall give priority to the geographic areas among the States which are currently not served or underserved by projects with industry.".

PROJECTS WITH INDUSTRY REAUTHORIZATION

SEC. 703. Section 623 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 623. There are authorized to be appropriated to carry out the provisions of section 621, $16,070,000 for fiscal year 1987, $17,010,000 for fiscal year 1988, $18,030,000 for fiscal year 1989, and $19,140,000 for fiscal year 1990, and for section 622 such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990.".

SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

SEC. 704. (a)(1) Title VI of the Act is amended by inserting after part B of such title the following new part:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

"PURPOSE

"SEC. 631. It is the purpose of this part to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist States in developing collaborative programs with appropriate public agencies and private nonprofit organizations for training and short-term post-employment services leading to supported employment for severely handicapped individuals.

"ELIGIBILITY

"SEC. 632. Services may be provided under this part to any severely handicapped individuals whose ability or potential to engage in a training program and whose ability to engage in a supported employment setting has been determined by an evaluation of rehabilitation potential as defined in section 7 of this Act.

"ALLOTMENTS

"SEC. 633. (a)(1) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $250,000 or one-third of 1 percent of the sums made available for the fiscal year for

which the allotment is made, whichever is greater.

"(2)(A) For the purposes of this subsection, the term 'States' does not include—

"(i) Guam,

"(ii) American Samoa,

"(iii) the Virgin Islands,

"(iv) the Republic of the Marshall Islands,

"(v) the Federated States of Micronesia,

"(vi) the Republic of Palau, and

"(vii) the Commonwealth of the Northern Mariana Islands.

"(B) The jurisdictions described in clauses (i) through (vii) of subparagraph (A) shall be allotted not less than one-eighth of 1 percent of the amounts made available for purposes of this subpart for each such clause for the fiscal year for which the allotment is made.

"(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State to carry out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States which the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the State's allotment for such year.

"(c)(1) In the first fiscal year in which appropriations are made pursuant to section 638 a State may, in lieu of receiving its allotment under this part, make an application for a planning grant for that fiscal year. The Secretary is authorized to approve the appropriation of States which meet the requirements of this subsection.

"(2)(A) The grant made under this subsection shall be used for planning activities designed to facilitate the State using its allotment under this part.

"(B) No grant under this subsection may exceed a period of 18 months.

"(3) No planning grant made under this subsection may exceed $250,000.

"STATE PLAN

"SEC. 634. (a) In order to be eligible for grants under this part, a State shall submit to the Commissioner as part of the State plan under title I of this Act a State plan supplement for a three-year period for providing training and time-limited post-employment services leading to supported employment for severely handicapped individuals. Each State shall make such annual revisions in the plan supplement as may be necessary.

"(b) Each such plan supplement shall—

"(1) designate each agency of such State designated under section 101(a)(2)(B) of this Act as the agency to administer the program assisted under this part;

"(2)(A) specify results of the needs assessment conducted as required by title I of this Act of severely handicapped individuals, as such assessment identifies the need for supported employment services, including the coordination and use of the information within the State relating to section 618(b)(3) of the Education of the Handicapped Act; and

"(B) describe the quality, scope, and extent of supported employment services to be provided to severely handicapped individuals under this part, and specify the State's goals and plans with respect to the distribution of funds received under section 635 of this part;

"(3) provide assurances that—

"(A) an evaluation for each individual will be performed outlining supported employment training and time-limited post-employment services needed;

"(B) an individualized written rehabilitation program as required by section 102 will be developed outlining the services to be provided;

"(C) such services will be provided in accordance with such program or a program specified under subsection (b)(3)(D) of this part;

"(D) such services will be coordinated with the evaluation, the individual written rehabilitation plan or education plan as required under section 102 of this Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Education of the Handicapped Act, respectively;

"(E) the State will conduct periodic reviews of the progress of individuals assisted under this part to determine whether services provided to such individuals should be continued, modified, or discontinued; and

"(F) the State will make maximum use of services from public agencies, private nonprofit organizations, and other appropriate resources in the community to carry out this part;

"(4) demonstrate evidence of collaboration by and funding from relevant State agencies and private nonprofit organizations to assist in the provision of supported employment services;

"(5) provide assurances that all designated State agencies will expend not more than 5 percent of the State's allotment under this part for administrative costs for carrying out this part; and

"(6) contain such other information and be submitted in such form and in accordance with such procedures as the Commissioner may require.

"SERVICES; AVAILABILITY AND COMPARABILITY

"SEC. 635. (a)(1) Services available under this part may include but are not limited to an evaluation of rehabilitation potential, provision of skilled job trainers who accompany the worker for intensive on-the-job training, systematic training, job development, follow-up services (including regular contact with the employer, trainee, and the parent or guardian), regular observation or supervision of the severely disabled individual at the training site and other services needed to support the individual in employment.

"(2) The evaluation of rehabilitation potential authorized by paragraph (1) of this subsection shall be supplementary to the evaluation of rehabilitation potential provided under title I of this Act.

"(b) Services authorized under this part are limited to supported employment training and time-limited post-employment services. Extended supported employment services shall be provided by the relevant State agencies and private organizations as specified under section 634(b)(4) of this part or any other available source.

"(c) Services provided under this part shall be complementary to services provided under title I of this Act.

"RESTRICTION

"SEC. 636. Each designated State agency shall collect the client information required by section 13 of this Act separately for supported employment clients under this part and for supported employment clients under title I.

"SAVINGS PROVISION

"SEC. 637. Nothing in this part shall be construed to prohibit a State from conducting or from carrying out training and time-limited post-employment services leading to supported employment in accordance with the State plan submitted under section 101 from its State allotment under section 110.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 638. There are authorized to be appropriated to carry out this part $25,000,000 for the fiscal year 1987, $26,470,000 for the fiscal year 1988, $28,060,000 for the fiscal year 1989, and $29,730,000 for the fiscal year 1990.".

(2) The table of contents of the Act is amended by inserting after item "Sec. 623." the following:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

"Sec. 631. Purpose.
"Sec. 632. Eligibility.
"Sec. 633. Allotments.
"Sec. 634. State plan.
"Sec. 635. Services; availability and comparability.
"Sec. 636. Restriction.
"Sec. 637. Savings provision.
"Sec. 638. Authorization of appropriations.".

(b)(1) The amendment made by subsection (a) of this section shall not apply in any fiscal year in which the appropriation for part C of title VI of the Rehabilitation Act of 1973 do not equal or exceed $5,000,000.

(2) The provisions of paragraph (1) are repealed on September 30, 1990.

TITLE VIII—SERVICES OF INDEPENDENT LIVING

ELIGIBILITY FOR COMPREHENSIVE SERVICES

SEC. 801. Section 702(b) of the Act is amended by striking out "recreational activities" and inserting in lieu thereof "recreational services".

STATE PLAN ASSURANCE

SEC. 802. Section 705(a) of the Act is amended—

(1) by redesignating clauses (5), (6), (7), (8), and (9) as clauses (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after clause (4) the following:

"(5) provide assurances that the State will consider recommendations of the State independent living council in determining how independent living services will be expanded or modified;".

STATE INDEPENDENT LIVING COUNCIL

SEC. 803. (a) Part A of title VII of the Act is amended by adding at the end thereof the following new section:

"STATE INDEPENDENT LIVING COUNCIL

"SEC. 706. (a) There shall be established in each State receiving assistance under this title a State Independent Living Council (hereafter in this section referred to as the 'Council'). The Council shall—

"(1) provide guidance for the development and expansion of independent living programs and concepts on a statewide basis;

"(2) provide guidance to State agencies and to local planning and administrative entities assisted under this title; and

"(3) prepare and submit to the State agency designated under section 705(a)(1) a five-year plan addressing the long-term goals and recommendations for the need for independent living services and programs within the State.

"(b)(1) The Council shall be composed of representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups concerned with services to handicapped individuals under this title;

handicapped individuals and parents or guardians of handicapped individuals; directors of independent living centers; representatives from private business employing or interested in employing handicapped individuals; representatives of other appropriate organizations and other appropriate individuals.

"(2) A majority of the membership of the Council shall be handicapped individuals and parents or guardians of handicapped individuals.

"(3) The members of the Council shall be appointed by the director of the State agency designated under section 705(a)(1).

"(c) The chairperson of the Council shall be selected from among the membership and shall also serve as a member of any State advisory committee primarily concerned with the provision of rehabilitation services and any other appropriate State advisory committee concerned with services to handicapped individuals.

"(d) Any State in which there is a council which substantially meets the requirements of paragraphs (1) and (2) of subsection (b) and has the authority or will, promptly after the date of enactment of the Rehabilitation Act Amendments of 1986, have the authority to carry out the functions prescribed in subsection (a) shall be deemed to meet the requirements of this section.".

(b) The table of contents of the Act is amended by inserting after item "Sec. 705." the following new item:

"Sec. 706. State independent living council.".

GRANTS FOR CENTERS FOR INDEPENDENT LIVING

SEC. 804. (a)(1) Section 711(b) of the Act is amended—

(A) by striking out "and" at the end of clause (1);

(B) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

"(3) contains assurances that each center will have a board which is composed of a majority of handicapped individuals.".

(2) The amendments made by paragraph (1) shall take effect one year after the date of enactment of this Act.

(b) Section 711(c)(2) of the Act is amended—

(1) by inserting after "housing" in clause (E) a comma and the following: "recreation";

(2) by inserting after "housing" in clause (F) a comma and the following: "recreational opportunities"; and

(3) by striking out "activities" in clause (K) and inserting in lieu thereof "services".

(c) Section 711(d) of the Act is amended by striking out "six months" and inserting in lieu thereof "three months".

EVALUATION AND REVIEW OF INDEPENDENT LIVING CENTERS

SEC. 805. (a) Section 711(e)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

(b) Section 711 of the Act is amended by adding at the end thereof the following:

"(g)(1) Each grantee receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grantee is not in compliance with the provisions of the approved application of the grantee.

"(2) Grantees continuing to receive assistance on the basis of the review described in paragraph (1) of this subsection shall be evaluated by the Commissioner using standards described in subsection (e)(1) of this section. Each such grantee shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grantee.

"(3) Competition for new grant awards under this part shall include consideration of past performance.

"(h) In approving applications under this section, the Commissioner shall give priority to geographic areas among the States which are currently not served or underserved by independent living centers.".

REAUTHORIZATION FOR TITLE VII

SEC. 806. Section 741 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 741. (a) There are authorized to be appropriated to carry out part A of this title $11,830,000 for fiscal year 1987, $12,310,000 for fiscal year 1988, $13,050,000 for fiscal year 1989, and $13,860,000 for fiscal year 1990.

"(b) There are authorized to be appropriated to carry out part B of this title $24,320,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, $27,300,000 for fiscal year 1989, and $28,980,000 for fiscal year 1990.

"(c) There are authorized to be appropriated to carry out part C of this title $5,290,000 for fiscal year 1987, $5,600,000 for fiscal year 1988, $5,930,000 for fiscal year 1989, and $6,300,000 for fiscal year 1990.

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990.

"(2) The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this subsection.".

TITLE IX—HELEN KELLER NATIONAL CENTER

REAUTHORIZATION

SEC. 901. Section 205(a) of the Helen Keller National Center Act is amended by striking out the first sentence and inserting in lieu thereof "There are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990.".

TITLE X—TECHNICAL AMENDMENTS AND MISCELLANEOUS PROVISIONS

TECHNICAL AMENDMENTS

SEC. 1001. (a)(1) Section 7(3) of the Act is amended by striking out "designated State units" and inserting in lieu thereof "designated State unit".

(2) Section 7(11) of the Act is amended—

(A) by striking out subparagraph (B) and inserting in lieu thereof "(B) testing, fitting, or training in the use of prosthetic and orthotic devices,"; and

(B) in subparagraph (F) by inserting "psychiatric," before "psychological".

(b) Section 101(a)(8) of the Act is amended by inserting after clauses (1) through (3) the following: "and clause (12)".

(c)(1) Section 130(b)(2) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(2) Subsections (d) and (e) of section 130 of the Act are redesignated as subsections (c) and (d), respectively.

(3) Section 131 of the Act is repealed.

(d) Section 202(j)(1) of the Act is amended by striking out "at an institution of higher education".

(e)(1) Section 301(b)(1) of the Act is amended by striking out "Commission" and inserting in lieu thereof "Commissioner".

(2) Section 304(a)(2) of the Act is amended by striking out "program, and" and inserting in lieu thereof "program, and".

(3) Section 306 of the Act is amended by striking out "305(g)" and inserting in lieu thereof "305(f)".

(f)(1) Section 501 of the Act is amended by striking out "Office of Personnel Management" each place it appears and inserting in lieu thereof "Equal Employment Opportunity Commission".

(2)(A) Section 501(d) of the Act is amended by striking out "of the the activities" and inserting in lieu thereof "of the activities".

(B) Section 502(d)(2)(A) of the Act is amended by striking out "any, final order" and inserting in lieu thereof "any final order".

(C)(i) Section 502(d)(3) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(ii) Section 502(d)(3) of the Act is further amended by striking out "with respect overcoming to" and inserting in lieu thereof "with respect to overcoming".

(D) Section 502(e)(2) of the Act is amended by inserting "and" after "noncompliance".

(3) Section 503(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(4) Section 504 of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(g) Section 611(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(h) Section 702 of the Act is amended by inserting "(a)" after the section designation.

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

SEC. 1002. The joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409) is amended by inserting at the end thereof "The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.".

CIVIL RIGHTS REMEDIES EQUALIZATION

SEC. 1003. (a)(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) The provisions of subsection (a) shall take effect with respect to violations that occur in whole or in part after the date of enactment of this Act.

71-059 O-87-3 (Pt. 16)

EFFECTIVE DATE

SEC. 1004. This Act shall take effect October 1, 1986.

Mr. WEICKER. Mr. President, I rise today to urge the passage of S. 2515, the Rehabilitation Act Amendments of 1986. This bill, which currently has 11 cosponsors, was unanimously ordered reported by the Committee on Labor and Human Resources on August 6, 1986. This legislation reauthorizes for 4 years programs under the Rehabilitation Act—programs which are critical to improving the quality of life for our Nation's handicapped citizens. The amendments made by S. 2515 will strengthen the ability of States to provide the breadth of services required by our most severely handicapped Americans.

It is true, as a Nation, we have progressed in our attitudes toward people with handicaps. No longer do we view people with handicaps in terms of what they cannot do, because such an attitude of limited ability has been challenged by the handicapped themselves, and by their parents, friends, and advocates. And they have won. Our attitudes have changed. They have shown us what they can do, what they can learn and accomplish, given a little help from us.

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Handicapped individuals are no different from those of us who measure our self-worth by our ability to be productive, contributing members of society—and they deserve the same opportunities that the nonhandicapped take for granted. Programs authorized by the Rehabilitation Act offer such opportunities, and have proven themselves to be fiscally sound investments for our Nation as well. In fact, programs funded through the Rehabilitation Act return $11 for every $1 expended. Now that is a good investment.

But in humanitarian terms, the return is even greater, because you cannot pin a price tag on human dignity. The dignity of working, of being independent, or becoming part of our towns and communities—that is what the Rehabilitation Act is all about for the people in our country who happen to be handicapped.

So I am proud to bring before the Senate today the Rehabilitation Act Amendments of 1986. Programs authorized under the Rehabilitation Act include grants to States for vocational rehabilitation, through which employment-related services are currently provided to more than 900,000 individuals. The primary purpose of the Rehabilitation Act is getting people employed—and it has been one of the most successful, cost-effective programs funded by the Federal Government.

The bill before you contains several new initiatives to assist handicapped individuals in their desire to become employed. An important new component authorizes grants for States to develop supported employment services for severely handicapped individuals. Supported employment is competitive work in integrated work settings for individuals who, because of the severity of their handicaps, need intensive, on-going support services to perform such work. We now know that even severely handicapped people can be competitively employed, given appropriate supports. Indeed, some State rehabilitation agencies are already successfully providing such supported employment services through their title I State grant program.

The new title VI supported employment program is designed to supplement the supported employment services which a State agency offers, or may decide to offer, through its State grant program. The bill clearly states that supported employment may now be considered an acceptable outcome for employability, on which eligibility for rehabilitation services under title I is based. In combination with the new grant program under title VI, all States will now be able to develop and expand supported employment programs and get even more severely handicapped people into the workforce. Because of the variance in State rehabilitation agencies in providing supported employment services, the bill allows States to elect a planning period to develop and initiate their statewide system of supported employment services under title VI. For those States that elect this option, an 18-month planning period is provided to enable States to meet State plan requirements for implementing a system of supported employment.

The bill also contains some new provisions which relate to rehabilitation engineering, which is the use of technology to reduce barriers faced by the handicapped so that they can become more independent and more fully integrated into the workforce. We know that people with handicaps face multiple barriers, and, with the systematic application of technologies, these barriers can often be overcome. During hearings before the subcommittee on the handicapped we heard testimony on the success of rehabilitation engineering in reducing these barriers and expanding opportunities for the handicapped, and I am pleased that S. 2515 contains provisions that will expand the availability of rehabilitation engineering services.

Another important provision in the bill strengthens the protections for handicapped people seeking to receive services from the rehabilitation system. The bill requires that the administrative appeal process for solving disagreements relating to the provision of services include consideration by an impartial hearing officer. It is my belief that disputes can be resolved more fairly, and less adversarily, when an impartial reviewer evaluates the situation and renders a decision.

S. 2515 also contains important additions to strengthen provisions relating to independent living and projects with industry. These two programs have proven themselves successful in assisting handicapped people to live independently, and in providing them job placement opportunities in the competitive workforce. The bill provides funding continuity for centers and projects which meet national standards.

The bill further provides for an increased role for the National Council on the Handicapped as a policy advisory body on issues of national scope affecting persons with handicaps. Because we must be looking toward the future, we have mandated that the council prepare a report on goals for the year 2000 for the handicapped, and strategies for achieving those goals. The Council will be expected to report to Congress annually on the progress we are making toward realizing those goals.

There have been several modifications to S. 2515 since it was originally introduced. One significant addition clarifies the intent of Congress where violations of section 504 by recipients of Federal financial assistance are concerned. This addition provides that States shall not be immune under the 11th amendment from suit in Federal court for violations of section 504 of the Rehabilitation Act, or other Federal statutes prohibiting discrimination. This provision closes a gap in civil rights protections by allowing individuals to enforce their rights in Federal court when State or State agency actions are at issue. The gap in protection of individual rights was made evident by the Supreme Court decision in Atascadero State Hospital versus Scanlon, which provided immunity to a State from suit in Federal court based on the 11th amendment. S. 2515 will return civil rights protection to individuals where violations by States or State agencies are concerned.

Another modification was the addition of language relating to the accessibility of electronic office equipment purchased or leased by the Federal Government. Congress has recognized in the past the need to make Federal buildings accessible to the handicapped. The bill before you today will allow for the development of Federal guidelines for accessibility of electronic office equipment. The buildings are accessible, and now it is time to look at barriers which exist inside those buildings in terms of equipment that can be easily and readily made accessible to a handicapped person.

I would also like to address a concern that I have regarding the author-

ization levels in S. 2515 for the State Vocational Rehabilitation Grant Program. The authorization level in the bill is $1,281,000,000 for fiscal year 1987, with allowance for cost-of-living increases in the succeeding 3 fiscal years. In addition, the bill provides for additional funds as Congress deems necessary and appropriate, and removes the cap on the amount of dollars Congress may appropriate.

It is my understanding, however, that the administration has interpreted the language of the law to mean that Congress intends to reauthorize only a cost-of-living increase for each year for this very important program, which is not consistent with our intention in developing this bill. It is my hope that the House and Senate conferees will address this issue during the course of the conference.

In conclusion, we know that handicapped people are able to be employed. Even more—we know that they want to be employed. A recent Harris poll, commissioned by the National Council on the Handicapped, indicated that two-thirds of disabled Americans between the ages of 16 and 64 are not working—and that is an unemployment statistic that surpasses all others in this Nation. Further, two-thirds of these individuals want to work. In fact, many of these individuals want to work even at the risk of losing Federal or State benefits.

It is imperative that we respond to this need by reauthorizing the Rehabilitation Act with the improvements included in the Rehabilitation Act Amendments of 1986. This is a solid and progressive piece of legislation which will make a significant impact on the lives of handicapped people in our country.

By adopting S. 2515, we have the opportunity to reaffirm our commitment to the millions of disabled individuals in this country. Let us help them in their effort to help themselves: in their efforts to obtain and maintain employment, achieve independence, and become fully integrated into community life.

Mr. KERRY. Mr. President, I am pleased that the Senate has the opportunity today to pass S. 2515, the Rehabilitation Amendments of 1986.

Historically, the Rehabilitation Act has provided essential comprehensive vocational services to mentally and physically challenged individuals across our Nation. Last year, over 930,000 handicapped persons received services under the Rehabilitation Act, and over 225,000 disabled citizens were successfully rehabilitated. These numbers represent the proven value of the act in assisting disabled Americans in achieving employment and self sufficiency.

I am proud to say that the legislation before us this evening represents a true bipartisan effort resulting from the diligent efforts by my distinguished colleagues on the Labor and Human Resources Committee. The legislation before us builds upon the existing act through both the continuation and enhancement of a program which has come to mean so much to so many. The committee unanimously endorsed S. 2515, thus paving the way for what I expect will be prompt passage this evening.

The legislation that we are about to pass furthers the vital investment into the lives of handicapped adults throughout America. S. 2515 represents an innovative approach to assist more severly handicapped individuals. It establishes a new supportive employment program which will give opportunities to severely handicapped individuals to better their quality of life. Demonstration grants have proven that supported employment works. The new program in our bill will offer States adequate time to plan for this very needed initiative.

The legislation also places a new emphasis on rehabilitation engineering and it greatly strengthens the peer review process for grants and contracts. The amendments offer core funding to both Independent Living Centers and Projects with Industry for the 4-year reauthorizing period contingent on both programs meeting newly revised standards by the National Council on the Handicapped. These programs have successfully worked to assist handicapped persons in leading more independent lives. The Independent Living Centers have become an integral component of our service delivery system for disabled people. As consumer-controlled organizations, the Independent Living Centers make an essential contribution in the lives of disabled Americans and I am particularly pleased that this legislation strengthens these centers.

In addition, the package includes demonstration projects in the area of transition for severely disabled youth exiting the educational system. Experience has shown that severely handicapped students having received state-of-the-art educational services often leave school with significant vocational needs and a confusing array of agencies to contact for appropriate services. To avoid confusion and loss of valuable services, this legislation includes demonstration grants in this essential area of transition. Another area which the legislation focuses on is the need to better serve the chronically mentally ill and it also places a new priority on physical educational services. It is clear that this package strengthens our existing law through a number of innovative initiatives that have culminated months of detailed review and comprehensive study.

The Rehabilitation Act Amendments of 1986 is authorized for 4 years. Funding for the new initiatives in the act meet the targets of the Budget Committee, and funding for the program next year has been included in the fiscal year 1987 Senate Labor HHS appropriations bill which I look forward to passing in the upcoming days.

In closing, I want to note that, according to a recent Harris poll, there are over 20 million unemployed disabled Americans of working age who want to work—a staggering 60 percent. The reauthorization bill before us today is designed to assist these individuals so that they can in fact become employed and active contributing members of our society. I am proud to be a cosponsor of this legislation which, when enacted, will enhance the lives of so many disabled citizens across America. I want to particularly commend the distinguished chairman of the subcommittee for his tireless leadership in this area and for his fine work on this legislation. I urge my colleagues to join with me and unanimously pass the Rehabilitation Amendments of 1986.

Mr. STAFFORD. Mr. President, I am pleased to join my distinguished colleague, Senator WEICKER, in giving my complete support of S. 2515, the Rehabilitation Act Amendments of 1986.

This significant legislation will provide for a continuation of the State grant program for another 4 years, create a new supported employment training program for severely handicapped individuals and will provide for other significant improvements in this law.

The State grant program has been in existence for over 65 years. Millions of handicapped individuals have received the services they needed in order to become part of this Nation's work force. For each person that is rehabilitated, the cost of the services received is paid back to the Federal Government within 4 years from income taxes paid by the disabled person. Therefore, each individual that receives services through this program ends up paying back whatever money was spent on them.

The concept of supported employment training is not a new one. Supported employment training programs, in Vermont, have existed for many years, and Vermont has the distinction of being only one of two States which has a documented 5-year track record in providing these types of services. During this time period, over 180 severely handicapped Vermonters have received training and have been placed in the competitive labor market. I am proud to say that this program enjoys an 85 percent success rate. Vermont utilizes the cooperation of many of the State agencies responsible for programs ranging from vocational rehabilitation, to mental health, special education, and developmental disabil-

ities. This type of cooperation is what has made this program such a success in Vermont.

I feel that this new program will assist—for the first time—those individuals who are believed to be unable to compete in the work force and assist them in becoming more self-sustaining.

The Rehabilitation Act Amendments of 1986 continues the only existing training and placement program especially for the disabled citizens of this Nation. I urge my colleagues to join in giving their support to this important piece of legislation.

Mr. SIMON. Mr. President, I am pleased to support S. 2515, the Rehabilitation Act Amendments of 1986. This is the fourth reauthorization of the Rehabilitation Act in which I have been privileged to play some role. Each time it has been with a sense of great satisfaction. The Congress, always through bipartisan effort, has been the strongest advocate of vocational rehabilitation, and we in Congress can continue to point with pride to this act's demonstrated record of success.

Title I of the act, which is an entitlement program of State grants, remains the Federal Government's primary employment program for Americans with disabilities. It ensures that a wide range of rehabilitation services are available to persons with substantial handicaps to employment, but who have the potential to become gainfully employed. As a whole, the act's programs have become a model of coordinated and comprehensive efforts which interrelate basic services with research, training, independent living and competitive job placement programs. In addition, through its antidiscrimination provisions, this act provides protection of the civil rights of Americans with disabilities. S. 2515, as reported by the Labor and Human Resources Committee, continues the responsible growth of this comprehensive set of programs and increases the ability of those who work in rehabilitation to respond to the needs of individuals with disabilities in a continually changing world.

The gap between the needs of disabled persons and the ability of this program to serve them continues to be much too great. It is disturbing that rehabilitation agencies are able to provide services to fewer clients today than 10 years ago. One of the reasons for this decline is the more costly services they are providing to more severely handicapped clients, a priority that Congress has approved. The other, and primary reason for the decline, is that, in spite of funding increases, thanks to the efforts of Senator WEICKER, States simply do not have the spending power for this program that they had 10 years ago. Inflation, along with the elimination of most of the Social Security trust funds for rehabilitation, has taken a tremendous toll at the very time that new technologies, new methods for training and placing severely handicapped individuals, and new clients—young people coming out of special education—have created many new challenges and new opportunities for rehabilitation.

When the committee began the reauthorization process this year, I asked that we recognize that for every new burden we place upon the program, there is a cost involved; that if we agree upon new initiatives for new types of services, we recognize that we must provide new resources so that we are not being unfair to those who are already dependent upon rehabilitation services as a means of entering competitive employment. This was of particular concern to me as the committee considered ways of encouraging State rehabilitation agencies to increase their involvement in a relatively new method of serving severely handicapped individuals—supported employment. I am pleased that the reported bill does take such a responsible approach. The bill provides a source of funding for States to develop supported employment programs without putting potential supported employment clients into competition with all other State rehabilitation agency clients for limited service dollars. In addition, it permits States to apply for planning grants during the first 18 months in order to set up the systems that will be necessary to the success of supported employment programs. Since all members of the committee agreed that the responsibility of State rehabilitation agencies in regard to supported employment should be time-limited, State agencies will not be able to carry out supported employment programs without the close cooperation of other agencies and providers of services to severely handicapped individuals.

There is much that we do not yet know about supported employment—for example, its long-term cost benefits, its potential impact on the service and administrative funds of rehabilitation agencies, the numbers of appropriate supported employment clients, the most effective models over time and the most workable interagency agreements. The committee bill requires the sort of data and recordkeeping that should help the Congress in making future decisions about supported employment.

The committee bill contains a number of important provisions that respond to concerns over current administration neglect of the Federal responsibilities to the program through the functioning of the Rehabilitation Services Administration. I hope that the Secretary of the Department of Education will not wait for a bill to come out of a conference committee this year to begin to act on implementing his new responsibilities in regard to upgrading the staffing situation at this major Federal agency with such critical importance to the lives of millions of our citizens with disabilities. As the committee report states, the continuing responsibility of the Federal program to its State partners includes having the ability to maintain accountability, develop national goals and provide some uniformity in the program from State to State. It is clear that the RSA is rapidly losing—through drastic reductions in experienced, well-qualified staff and through radical reductions in travel funds for such purposes as onsite monitoring and technical assistance—the ability to carry out its duties as part of this State/Federal partnership. Without immediate steps to improve the situation, I am greatly concerned that the program will not only be unable to respond to new and increased demands from the Congress, but that the basic program itself will become more fragmented and less consistently effective. The situation demands immediate attention.

The committee bill recognizes through a new definition of employability that the purpose of the Title I Program is to help States put individuals with handicaps into competitive jobs. The definition clarifies that the efforts of the State agency must primarily be directed toward placing the client in full-time competitive employment, and that although part-time employment may be an acceptable closure, only when full-time employment is not an option should a case be closed in part-time employment. The committee report also notes that the most recent statistics from the RSA show that the percentage of rehabilitated persons placed in competitive employment reached 79 percent in 1984, the highest level that can be traced in historic records for this program. This achievement, along with simultaneous increases to record levels of services to those with severe handicaps, clearly indicates that a priority to serve severely handicapped individuals can be carried out without decreasing the emphasis on the primary purpose of this program—to put handicapped persons into full-time, gainfully competitive jobs. I look forward to seeing the continuation of effective efforts of State agencies in both of these areas.

There are other significant provisions of S. 2515, and I want to commend two of my colleagues in particular for two of those that are most important. First, Senator CRANSTON, who introduced the legislation last year to overturn the effects of the Supreme Court's decision on Atascadero State Hospital versus Scanlon, continued his leadership on this vital effort during

our reauthorization process. The provisions in section 1003 of the bill clarify congressional intent in regard to the rights of litigants under section 504 and similar civil rights statutes in regard to actions in Federal courts when State or State agency actions are at issue. Senator CRANSTON has been the leader on so many issues affecting the civil rights of disabled persons for so many years, and I am pleased to acknowledge his accomplishment in bringing together a consensus on this section of S. 2515.

In addition, I want to compliment Senator HATCH and his staff for taking the initiative on providing a new section of the act requiring the development and adoption of guidelines for electronic equipment accessibility, and for a provision which would fund grants for the development of orphan technological devices. Our economy has changed greatly over the past decade, becoming an "information society." Today we see that it is as important for disabled persons to be able to use the technology housed within accessible buildings as it is for the buildings themselves to be accessible. The amendments in this bill will build upon the progress that has already been made in this area, and, again, I commend our colleague for his initiative.

And finally, I think it is important that we recognize the commendable motivation of those who choose to work in the field of rehabilitation. I have never met one who was in it for the money, or for the glamour, or because it was an easy job. They are the ones upon whom we place the demands. They are the ones who should also get our help in carrying out the increasingly complex and difficult job they are being asked to do.

I want to thank Senator WEICKER for his continuing leadership, and for allowing all of the members of the Labor and Human Resources Committee the opportunity to be very much involved in the committee bill that we are adopting today. We owe disabled Americans the dignity of having a job and we deprive all of us by not doing more to help disabled Americans to achieve this goal. The reauthorization of the Rehabilitation Act continues to move us closer to the achievement of these purposes, and I ask my colleagues to join me in support of S. 2515.

Mr. THURMOND. Mr. President, I rise today to urge my colleagues to support the Rehabilitation Act Amendments of 1986 which reauthorize many of the Federal programs in the rehabilitation field.

Mr. President, I would like to take this opportunity to commend the leadership of Senator WEICKER in this area. As chairman of the Senate Subcommittee on the Handicapped, he has been most active in reporting legislation which benefits the disabled citizens of our Nation. I would also like to recognize the dedicated and fine work of Senator WEICKER's staff, Terry Muilenburg and Chris Button.

For many years, I have been an ardent supporter of vocational rehabilitation. Citizens who are less fortunate than others should be given the opportunity to overcome obstacles which may confront them during the course of their lives. Throughout the years, vocational rehabilitation programs have consistently demonstrated that properly trained persons with disabilities can function as superior employees. Recent studies show that, through these programs, approximately 226,000 persons are rehabilitated yearly.

In addition, during this period of budgetary restraint, we should not forget the cost effectiveness of programs like vocational rehabilitation. Recent reports show that in the first year after completion of the Rehabilitation Program, persons rehabilitated paid Federal, State, and local governments an estimated $211.5 million more in income, payroll, and sales taxes, than if they had not been rehabilitated. Furthermore, another $68.9 million is saved as a result of decreased dependency on public support payments and institutional care. Therefore, the grand total first year benefit from persons rehabilitation is over $280 million.

Mr. President, I am also pleased that the longstanding primary purpose of the Title I Program—that of placing the disabled into the competitive workforce of this Nation—is continued and emphasized.

Mr. President, with results such as these, I am proud to be an original cosponsor of this legislation. Furthermore I would point out to my colleagues that the Labor and Human Resources Committee voted unanimously to favorably report this bill. Accordingly, I urge the support of my colleagues for this legislation.

Mr. HATCH. Mr. President, I am pleased to rise in support of Senate bill S. 2515, the "Rehabilitation Act Amendments of 1986," sponsored by the Senator from Connecticut. The provisions of this bill were developed as a result of input from hearings held in Washington on March 20 and 25, 1986. Suggestions and testimony were given by the National Council on the Handicapped, the Rehabilitation Services Administration, Americans with disabilities, and other agencies and organizations. The bill was introduced on June 5, 1986, and subsequently referred to the Subcommittee on the Handicapped. This bill, which required many hours of negotiation, was polled out of the subcommittee on June 24, 1986, and reported out of the full committee on August 6, 1986. I commend Senator WEICKER, chairman of the Subcommittee on the Handicapped for his diligence in guiding this bill through the legislative process. I am pleased with the provisions found in this bill.

S. 2515 strengthens the Rehabilitation Act of 1973. This law has done much to assist Americans with disabilities through vocational rehabilitation programs, and is well-known for being the key in unlocking the doors and making America's Federal programs and facilities accessible to all Americans.

This bill contains two special provisions which I recommended. The first gives new authority for the Director of National Institutes of Handicapped Research to conduct projects and demonstrations for providing incentives for the development and marketing of orphan technologies. The term "orphan technological devices" was coined to reflect a perceived lack of concern about devices which can only be utilized by a relatively small number of people. New technologies can often bypass individuals with disabilities if there is a limited interest by the private sector in developing manufacturing and marketing specialized technology to meet the needs of small groups of handicapped individuals with unique needs. This amendment will authorize demonstration projects to implement on a pilot basis appropriate procedures and incentives to facilitate getting orphan devices to the disabled population.

The second provision creates a new section dealing with electronic office equipment accessibility. In response to the special needs of individuals with handicaps, Congress passed laws to require that programs and buildings are accessible. Now that architectural barriers are being eliminated, it is important that the equipment housed within these facilities is also accessible to individuals with handicaps.

Many current standard microcomputer software programs, copy machines, and other automated office equipment cannot be used by disabled people. With appropriate low cost and no cost modification, the number of individuals who could use such equipment would multiply significantly. Other modifications would also greatly facilitate the attachment of special input and output systems and further decrease the cost for such modifications. In addition these changes would benefit mass market users as well by providing them with a wider variety of options. The current direction in which automated systems are evolving will automatically encompass most of the required features and capabilities if they are properly implemented. In discussion with engineers and designers of computers, many of the desired changes could have been included in the original design of the computers

many of the desired changes could have been included in the original design of the computer at minimal cost if the developers had been aware of their importance.

In response to this need, the White House Committee for Equal Access to Standard Computers and Information Systems, the National Institute of Handicapped Research, and representatives from the computer industry have been involved in developing guidelines for the design of computers and information processing systems to increase their access by persons with disabilities. The goal of these guidelines is to provide an awareness of the different types of problems as well as the focal point for listing possible solution strategies. The content of the guidelines document reflect the combined contributions of industry, researchers, and consumers.

In addition, an Interagency Committee on Computer Support for Handicapped Employees had been established by the General Services Administration to help agencies acquire accessible information technology systems. As the Federal Government's main purchasing agent, GSA has recognized the need for language in procurement contracts that would ensure that new office equipment could be used by disabled employees. It is our intent to have the Assistant Secretary for Special Education and Rehabilitative Services work with the Interagency Committee on Computer Support for Handicapped Employees to develop the guidelines.

After September 30, 1988, the Administrator of the General Services Administration shall adopt the guidelines for electronic equipment accessibility and be responsible for assuring that each agency comply with the guidelines. These guidelines shall be applicable to all federally procured electronic equipment, whether purchased or leased.

The bill also contains many other provisions in order to allow a broader range of persons with disabilities to participate within the framework of the Vocational Rehabilitation Program. By authorizing the creation of various supported employment programs, the act will now be able to provide services to more severely handicapped individuals.

I support the provisions contained within S. 2515 and strongly encourage my colleagues to vote for its passage.

Mr. WEICKER. Mr. President, I would like to clarify for the chairman of the Budget Committee, my good friend Senator DOMENICI, the intent of sections 702(e) and 805(b) of the Rehabilitation Act Amendments of 1986. The intent of the bill language is to authorize continued assistance in fiscal year 1987 for grantees receiving assistance in fiscal year 1986 and to authorize continued assistance for 3 years for qualified grantees. Both provisions of sections 702(e) and 805(b) are subject to subsequent appropriation action and are not intended to create new entitlements.

Mr. DOMENICI. I thank my good friend from Connecticut for clarifying the intent of the committee that sections 702(e) and 805(b) of S. 2515 are not intended to create new entitlement authority.

Mr. WEICKER. Mr. President, I also would like to pay a special tribute to the ranking member of my subcommittee, Senator KERRY, who has worked long and hard on this legislation, and to the chairman of the full committee, Senator HATCH.

This matter has not been one that has been entirely smooth, as there have been differing points of view. But when it came out of committee, it came with the support of all and especially the individuals that I have mentioned.

Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be adopted, and that the bill as amended be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

□ 1720

AMENDMENT NO. 2773

(Purpose: To provide for a special maintenance of effort rule under the Education of the Handicapped Act)

Mr. BYRD. Mr. President, on behalf of Mr. EAGLETON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. EAGLETON and Mr. DANFORTH, proposes an amendment numbered 2773.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

MAINTENANCE OF EFFORT

SEC. . (a) Notwithstanding any other provision of the Education of the Handicapped Act, the Secretary and the State educational agency, in the case of section 614(a)(2)(P)(ii) of that Act, shall not include expenditures made from an accrued fund reserve surplus after July 1, 1983, which are used for services for handicapped children.

(b) The amendment made by subsection (a) shall take effect with respect to fiscal years beginning after September 30, 1983.

UNIQUE PROBLEMS OF ST. LOUIS SPECIAL SCHOOL DISTRICT

Mr. EAGLETON. Mr. President, on behalf of myself and my colleague from Missouri, Senator DANFORTH, I send an unprinted amendment to the desk and ask for its immediate consideration. The Special School District of St. Louis County, established in 1957, was specifically established for the sole purpose of providing education and training for handicapped children. In 1965, pursuant to State legislation, the district was authorized to provide free vocational instruction for children under the age of 21. The mission of the special school district remains primarily one of education for the handicapped and severely handicapped with 82 percent of its expenditure going for that purpose.

During fiscal years 1984 and 1985, the special school district increased its budget substantially in order to hire additional personnel to provide better services to its handicapped students and to deal with a backlog of some 3,000 referrals of children for evaluation and placement. To meet those expenses, the district used approximately $11 million of its building fund reserves in fiscal year 1984. In the following year, the district used virtually all its remaining $8 million building fund reserves to upgrade its program.

As a consequence of using its building fund reserves in fiscal years 1984 and 1985 to provide better services to handicapped children, the district is now caught under the nonsupplanting provisions of Public Law 94-142. As the distinguished floor manager knows, the prohibition against supplanting non-Federal funding of education of the handicapped programs with part B Federal funds has been an essential component of Public Law 94-142 since its inception. A major premise of the program is that even with State and local funding of education programs for handicapped children there are still needs that are unmet. While Federal funds are available for these unmet needs, the basic purpose of Public Law 94-142 would be defeated in part B funds simply took the place of State or local funding. The purpose of the nonsupplanting provision in Public Law 94-142, therefore, was to ensure that part B funds did not take the place of State and local funds. I applaud that purpose and in no way seek to change it.

In the specific instance of which we seek a remedy, there is no suggestion that Federal funds were used to take the place of any State or local funds. Rather, due to unusual circumstances, the district significantly increased its services to handicapped students through the use of reserve funds. Once the reserve funds were exhausted, the district could not possibly sustain this funding increase. I would also emphasize, there was never an instance where the eventual reduction in local funding resulted in more funds to programs for the nonhandicapped.

The amendment we seek would not change the underlying nonsupplanting requirements of Public Law 94-142. Rather, it would provide that only during the period of time in which the special school district used the building fund reserves—fiscal year 1984-85—that such funds spent from a reserve account specifically for the purpose of improving educational services for handicapped children would not be counted in the determination of supplanting.

I urge adoption of the amendment.

Mr. DANFORTH. Mr. President, I am pleased to join my able colleague, Mr. EAGLETON, in sponsoring this amendment to the Rehabilitation Act. I also appreciate the cooperation of the distinguished manager of the bill in agreeing to accept this amendment.

This is a simple amendment which will prevent the Special School District of St. Louis from being penalized for improving services to handicapped children.

The Special School District of St. Louis County, MO, is an extraordinary educational agency. It was established back in 1957, preceding the Education for All Handicapped Children Act by many years. The special school district has led the country in providing education programs for handicapped children.

In fiscal years 1984 and 1985, the special school district made extraordinary expenditures from accrued surplus funds to hire additional staff in order to upgrade services and to catch up a backlog in evaluation and placement services for handicapped children. The special district has now depleted these reserves and is unable to continue supporting handicapped services at the 1984 and 1985 levels. Because of the special school district's inability to maintain these unusually high levels of support, it is in technical noncompliance with the nonsupplanting provisions of Public Law 94-142.

The nonsupplanting provisions were intended to prevent educational agencies from using Federal moneys to supplant State and local support for handicapped education. The amendment that my senior colleague from Missouri and I are offering does not change the nonsupplanting requirements but simply clarifies the intent of the law with respect to extraordinary expenditures made from reserves to improve educational services for the handicapped. Such expenditures would not be counted for purposes of determining compliance with the nonsupplanting requirements. The amendment will not, however, allow the special district to use Federal funds for the education of handicapped services to take the place of State and local support for handicapped education.

Unless this amendment is adopted, the special district will be penalized for improving services to handicapped children of St. Louis County. I believe that the amendment is consistent with the intent of the Education for All Handicapped Act and is necessary to correct an unintended application of the law.

Mr. WEICKER. Mr. President, the amendment is acceptable. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2773) was agreed to.

Mr. BYRD. Mr. President, on behalf of Mr. EAGLETON, I thank the distinguished Senator from Connecticut [Mr. WEICKER].

Mr. WEICKER. I thank my distinguished colleague, the distinguished minority leader, for his assistance.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WEICKER. Mr. President, I ask unanimous consent that H.R. 4021, the House-passed Rehabilitation Act Amendments of 1986, be discharged from the Committee on Labor and Human Resources and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4021) to extend and improve the Rehabilitation Act of 1973.

Mr. WEICKER. Mr. President, I move to strike all after the enacting clause and insert the text of S. 2515, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. WEICKER. Mr. President, I urge passage of H.R. 4021, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4021), as amended, was passed.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that S. 2515 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, earlier today the distinguished minority leader and this Senator from Kansas discussed a couple of resolutions we would submit. We have now completed drafting which has been cleared by both Senators LUGAR and PELL, and the so-called Daniloff resolution has been cleared. The resolution on terrorists is in the process of being retyped. There has been an agreement on language. I will submit the Daniloff resolution.

SENATE RESOLUTION 486—RELATING TO THE ARREST OF U.S. CORRESPONDENT NICHOLAS DANILOFF

Mr. DOLE. Mr. President, on behalf of Senator BYRD, Senator LUGAR, Senator PELL, Senator GORTON, Senator DURENBERGER, Senator CRANSTON, Senator BOSCHWITZ, Senator FORD, Senator EXON, Senator BENTSEN, Senator DECONCINI, and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 486

(Relating to the arrest of U.S. correspondent Nicholas Daniloff)

I. Whereas the arrest and indictment on trumped up charges by the government of the Soviet Union of Nicholas Daniloff, American correspondent for U.S. News & World Report, is in clear contravention of accepted standards of international law and civil liberties;

II. Whereas the treatment of Mr. Daniloff is an inexcusable denial or the rights of a journalist to engage in the legitimate pursuit of his profession and a violation of Soviet obligations as a signatory of the Final Act of the Helsinki Accords guiding relations between participating states, specifically Basket III, Section 2, Article (c), Principles for the Improvement of Working Conditions for Journalists, which state that ". . . the participating states reaffirm that

the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them."

III. Whereas the actions of the Soviet government further violate the spirit and letter of the provisions adopted at the review of the Helsinki Accords held in Madrid in March, 1983, specifically Basket III, Cooperation in Humanitarian and other Fields, which affirms that the participating states ". . . will also consider ways and means to assist journalists from other participating states and thus enable them to resolve practical problems they may encounter . . ." and ". . . further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources;

Now therefore be it resolved by the Senate of the United States that the Senate—

1. condemns the Soviet Union for the unjustifiable arrest and indictment of Nicholas Daniloff and demands his immediate and unconditional release from custody by the Soviet Union,

2. expresses it deep concern that the failure of the Soviet Union to immediately and justly resolve this matter threatens to undermine constructive relations between the United States and the Union of Soviet Socialist Republics and jeopardizes the hopes for Summit Meeting between President Reagan and General Secretary Gorbachev, and

3. urges that all responsible news gathering and news accrediting organizations that provide support, membership or other privileges to Soviet news organizations should consider appropriate actions to underscore the demand for Daniloff's release.

Mr. DOLE. Mr. President, I ask unanimous consent that no amendments be in order to the resolution and that a vote occur on the adoption of the resolution at 2:30 p.m. tomorrow, Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SENATE RESOLUTION 487—RELATING TO THE CONDEMNATION OF RECENT ACTS OF TERRORISM IN PAKISTAN AND TURKEY

Mr. BYRD. Mr. President, I send to the desk a resolution for myself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. DECONCINI, Mr. FORD, and Mr. BENTSEN, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

S. RES. 487

(Condemnation of Recent Acts of Terrorism in Pakistan and Turkey)

Whereas, the recent terrorist attacks in Karachi, Pakistan, and Istanbul, Turkey, demonstrate that international terrorism remains a principal threat to human life and democratic values;

Whereas the hijacking of Pan American Flight 73, which ended in the loss of many lives at Karachi International Airport, and the murder of 22 Turkish Jews as they worshiped in an Istanbul Synagogue, underscores the continuing need for action against international terrorism and for all civilized nations to redouble their efforts to eradicate this scourge; and

Whereas, the United States should seize the initiative to expand international cooperation and coordination in the campaign against terrorism, and should be supported in that effort by its allies, and by all other responsible nations: Now, therefore, be it resolved that, the Senate

(1) Condemns vigorously the most recent terrorist acts in Karachi, Pakistan, and Istanbul, Turkey, and offers its deepest sympathies and condolences to the victims of those attacks, and to their families;

(2) Declares that international terrorism is a scourge which effects, ultimately, all nations, and that all civilized and responsible nations of the world should expand their efforts to combat this scourge;

(3) Urges close international cooperation in the swift prosecution and punishment of those responsible for these crimes; and

(4) Urges the President to take the following actions—

(A) Place the subject of terrorism and the urgent need for international cooperation, including cooperation between the United States and the Soviet Union, in combatting this scourge on the agenda of any future U.S.-Soviet summit meeting;

(B) Make increased antiterrorism cooperation a high priority subject to every appropriate opportunity he has with the leaders of the allies and friends of the United States;

(C) Redouble efforts to establish an international antiterrorism committee as called for in recently enacted legislation (PL 99-399) so that civilized countries may better cooperate in responding to these barbarous acts;

(D) Actively utilize existing rewards-for-information authorities to assist in apprending and bringing to justice all those responsible for these reprehensible crimes;

(E) Consider taking appropriate constitutional measures against the individuals responsible for these heinous crimes.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the adoption of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. This vote will follow the vote on the Daniloff resolution? I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that the time between 2 and 2:30 be equally divided between the majority and minority leaders or their designees for statements on these resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that no amendments be in order to the second resolution, the terrorism resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 4868

The PRESIDING OFFICER. The Chair, pursuant to the order of August 15, appoints the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. PELL] as conferees on the part of the Senate on H.R. 4868.

ORDERS FOR TUESDAY

RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Tuesday, September 9, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATORS PROXMIRE AND LEVIN

Mr. DOLE. Following the recognition of the two leaders under the standing order, I ask unanimous consent that there be special orders for not to exceed 5 minutes each in favor of Senators PROXMIRE and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF H.R. 5234

Mr. DOLE. Mr. President, at 10:30 a.m., the Senate will resume consideration of Calendar No. 833, H.R. 5234, the Interior appropriations bill.

RECESS BETWEEN 12 NOON AND 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 pm., in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, as previously indicated, at 2 p.m., there will be 30 minutes of debate on the two resolutions, to be followed by the rollcall

votes on adoption of the Daniloff and terrorism resolutions.

I believe there will also be additional votes on the Interior appropriations bill. I am advised by the distinguished chairman of the committee [Mr. McCLURE] that he believes the Interior appropriations bill can be completed by sometime tomorrow afternoon. If that is the case, it is my hope that we could then move to consideration of the Labor-HHS appropriations bill. I am advised that with one exception, that bill could move rather quickly.

I am also advised that the distinguished chairman of the full Appropriations Committee [Mr. HATFIELD] will be meeting with proponents and opponents on some modification of the abortion amendment on that particular legislation.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until the hour of 10 a.m. on Tuesday, September 9, 1986.

The motion was agreed to and, at 5:35 p.m., the Senate recessed until tomorrow, Tuesday, September 9, 1986, at 10 a.m.

EXTENSIONS OF REMARKS

THE SUPREME COURT, RELIGIOUS FREEDOM AND THE YARMULKE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. SOLARZ. Mr. Speaker, the Supreme Court's recent decision to uphold the Air Force's restrictions on the wearing of yarmulkes by its personnel is an unjustifiable infringement on religious freedom. The High Court, in a 5-to-4 decision, upheld the contention of the Air Force that wearing a yarmulke while on duty would negatively affect morale and discipline within the Armed Forces.

Because I believe very strongly in the free expression of religion as defined in our Constitution, I have fought this unfair and unsound decision. Members of our Armed Forces must not be forced to choose between their sincere religious beliefs and a desire to serve their country. I am hopeful that legislation I introduced that was recently adopted as an amendment to the Defense authorization bill will end this dilemma by allowing Jewish servicemen to wear yarmulkes while on duty.

A particularly astute examination of the Court's decision and its implication can be found in an article published in America magazine by our former colleague, the Honorable Robert F. Drinan. As a former member of the House Judiciary Committee, former dean of Georgetown Law School and a respected constitutional scholar, Father Drinan is uniquely qualified to address this issue and I commend his article to the attention of my colleagues.

THE SUPREME COURT, RELIGIOUS FREEDOM AND THE YARMULKE

(By Robert F. Drinan)

What seemed an inconsequential decision has actually established a principle new to U.S. jurisprudence: that the military has more leeway to restrict religious freedom than do civilian authorities.

On March 25, 1986, the U.S. Supreme Court ruled 5 to 4 that the U.S. Air Force could require an Orthodox rabbi in its employ to remove his yarmulke when working indoors. At first the decision seemed, to some, to relate to something trivial or inconsequential. Those who were concerned expected that the Congress would quietly enact a law setting aside the decision of the Supreme Court.

But further reflection and the commentaries on this case suggest that the ruling may constitute a bad precedent that is inconsistent with several previous decisions of the Supreme Court, which allowed deviations from regulations that are perceived to be violations of the religious freedom of certain individuals.

Rabbi S. Simcha Goldman, an Orthodox Jew, since childhood observed the Jewish tradition of keeping his head covered at all times. This custom is designed to remind every person of the omnipresence of God. Between 1970 and 1972, Rabbi Goldman served as a chaplain in the U.S. Navy where he wore without incident a yarmulke or skullcap as a head covering while in uniform. In 1973 he was admitted into the Armed Forces Health Professions Scholarship Program, which provided assistance for graduates to study in exchange for a later commitment to serve on active duty in the armed services. In 1977, Rabbi Goldman received his Ph.D. degree in clinical psychology from Loyola University in Chicago. He entered active service as a captain in the U.S. Air Force and was assigned to serve in the mental health clinic of an Air Force base in California. Between September 1, 1977, and May 8, 1981, he wore a yarmulke at all times while on duty. Throughout his years of service he consistently received outstanding evaluations in each of 10 specified areas.

In April 1981, Dr. Goldman testified as a defense witness at a court-martial wearing his yarmulke. Shortly thereafter the prosecutor lodged a complaint with officials that Dr. Goldman's practice of wearing a yarmulke was a violation of an Air Force regulation that "headgear will not be worn . . . while indoors except by armed security police. . . ." On May 8, 1981, Dr. Goldman was ordered not to wear his yarmulke while on duty. He refused to comply. He was warned that failure to comply could subject him to a court-martial. Rabbi Goldman's request to wear civilian clothing pending a legal resolution of the issue was denied. His superiors also withdrew a recommendation that Dr. Goldman be allowed to extend the term of his active service; a negative recommendation was substituted.

Dr. Goldman then brought action in Federal court in Washington, D.C. After a full hearing, the Federal judge permanently enjoined the Air Force from prohibiting Dr. Goldman from wearing a yarmulke while in uniform. The trial judge also ordered the Air Force to withdraw the letter of reprimand and negative performance evaluation that had been given to Dr. Goldman.

It was hoped in 1981 that the Pentagon would accept the resolution of the issue by the trial court. But, for reasons that are not entirely clear, the Defense Department decided to spend an immense amount of energy, time and money in vindicating its decision to prevent any Orthodox Jew in the military from wearing a yarmulke while in uniform.

In the Court of Appeals for the District of Columbia, the Secretary of Defense (Caspar W. Weinberger) prevailed. The three-judge appeals court, reversing the trial judge, ruled that the "Air Force's interest in uniformity renders the strict enforcement of its regulation permissible." That decision was sustained by the narrowest of margins by the U.S. Supreme Court.

Justice William H. Rehnquist, writing for a majority of five, denied the validity of Dr. Goldman's claim, asserting that the Supreme Court's review of military regulations "is far more deferential than constitutional review of similar laws . . . designed for civilian society." It follows, Justice Rehnquist wrote on behalf of Chief Justice Warren E. Burger and Justices Byron R. White, Lewis F. Powell Jr. and John Paul Stevens, that "courts must give great deference to the professional judgment of military authorities. . . ." On this basis Justice Rehnquist rejected Rabbi Goldman's contention that the wearing of an unobtrusive yarmulke could not possibly undermine Air Force discipline. Justice Rehnquist set aside as simply irrelevant the expert testimony asserted by Captain Goldman's lawyers that religious exceptions to the rule against "headgear" are in fact desirable and will increase rather than decrease morale by making the Air Force a more humane place. Justice Rehnquist exalted the authority of a 190-page book of regulations concerning dress put out by the Air Force. He did concede that the regulations forbidding religious apparel such as a yarmulke, which Rabbi Goldman described as a silent devotion akin to prayer, may make military life less attractive to Orthodox Jews and to others.

Justice Stevens, giving the majority of five the deciding vote, expressed some awkwardness in his position in a curious concurring opinion. Justice Stevens conceded that "there is reason to believe" that the action against Captain Goldman had a "retaliatory motive," but he sustained the ban on a yarmulke because of the military's "interest in uniform treatment for the members of all religious faiths." He came to this conclusion even though he asserted that the "modest depature" requested by Captain Goldman "creates almost no danger of impairment of the Air Force's military mission." It seems clear that Justice Stevens, despite his desire to accommodate this "especially attractive case," could not bring himself to overrule the accumulated massive legal power of the Pentagon and the Justice Department.

Justice William J. Brennan Jr.'s dissent, strong and almost explosive, may become at least a minor classic in the legal literature on church-state relations. Justice Brennan expressed his outrage that Rabbi Goldman "was asked to violate the tenets of his faith virtually every minute of every workday." The arguments for the Air Force, Justice Brennan stated, "defy common sense." Citing the regulations of the Air Force, Justice Brennan found in these documents a way by which military officials could have and should have granted the exception to wear the yarmulke. The regulations provide that "each member has the right, within limits, to express individually through his or her appearance." The dress code, moreover, allows men to wear up to three rings, even if the rings contain a religious design. Justice Brennan rejected the standard advanced by the Air Force that the yarmulke is too visible to be accepted; that norm fails to justify any interest the military might have in uniformity of dress.

Justice Brennan's dissent concluded with an ominous warning: "The Court and the military services have presented patriotic Orthodox Jews with a painful dilemma—the choice between fulfilling a religious obligation and serving their country. Should the draft be reinstated, compulsion will replace

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

choice." In a most unusual comment, Justice Brennan expressed the hope that the "Congress will correct this wrong."

Justice Harry A. Blackmun in dissent rejected the idea that different standards of review can be used for the military and the civilian. He cited a series of cases in which the Supreme Court has granted concessions to Seventh Day Adventists and Amish children. He stated that the Air Force "has failed to produce even a minimally credible explanation for its refusal to allow Goldman to keep his head covered indoors." Justice Blackmun expressed the view that the First Amendment must extend to the wearing of the yarmulke since for Dr. Goldman, as for many other Jews, it was "intended to keep the wearer aware of God's presence."

The dissent of Justice Sandra Day O'Connor was the surprise in the Goldman case. Joined by Justice Thurgood Marshall, she castigated the majority for failing to articulate any test whatsoever for free exercise claims in the military context. Justice O'Connor failed to see how the Government has demonstrated any "unusually important interest" or any compelling argument for its denial of a claim based on religious freedom. She was more than skeptical of the military's claim that it must insist on uniformity. She scolded the Pentagon for failing to take into account "the special importance of defending our nation without abandoning completely the freedoms that make it worth defending." She also noted that there was no allegation of any problem in Captain Goldman wearing the yarmulke from September 1977 to May 7, 1981.

It may be that the Congress, following Justice Brennan's urging, will attach an amendment to some military measure that would permit the wearing of a yarmulke for those in uniform. But the Pentagon, after its 5-to-4 victory, will continue to resist the bills that have been filed along this line. But even if the Congress does in fact enact an amendment permitting yarmulkes for those in uniform, it will in all probability not be able to overturn the reasoning of Goldman v. Weinberger. And that reasoning says in essence that the military will be given much more leeway in enacting and enforcing regulations restrictive of religious freedom than will be permitted to civilian authorities. That principle is relatively new, perhaps unprecedented, in American jurisprudence. Justice O'Connor in essence rejects it, as do the other dissenters to some extent.

The case of Rabbi Goldman somehow did not attract the attention it deserved as it was being litigated. Some felt that the issue was insignificant, even trivial or inconsequential. Many observers do not appreciate the importance, indeed the centrality, of the yarmulke to an Orthodox Jew. Perhaps the attorneys for Dr. Goldman did not dramatically or even adequately explain the significance of the yarmulke as a traditionally required reminder of the omnipresent God. In any event, Goldman v. Weinberger is now a precedent for the proposition that there will be no judicial relief for a decree of the military justified by an argument based on the need for uniformity of dress and conduct.

Captain Goldman explained his position in his brief in this moving statement: "Yarmulkes are generally understood to be a form of religious observance. They are commonly seen and accepted in today's society wherever Orthodox Jews are found. University campuses—particularly on the East Coast—have substantial numbers of young men who wear yarmulkes. On the streets of New York City, Los Angeles, Chicago or Miami, yarmulkes are commonplace. They are increasingly visible in centers of commerce, including retail businesses, brokerage houses and stock exchanges. Attorneys wearing yarmulkes can be found in the state and Federal courthouses of New York, and attorneys wearing yarmulkes have been permitted to sit in the bar section of this court and attend oral arguments."

Justice Stevens, after citing that statement in a footnote, goes on to concur in a decision that ruled that the Pentagon, alone among American institutions, can ban the wearing of the yarmulke.

Goldman v. Weinberger was a mistake. It should be rescinded by the Congress and/or reversed by the Court.

SEAN KILLION HONORED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding accomplishments of Sean Killion of Cherry Hill, who participated in the Goodwill Games in Moscow.

An exceptional athlete, Sean won two gold medals and a bronze medal at the games. He defeated this longtime idol Vladimer Salnikov in the 400-meter freestyle event, a great personal accomplishment for Sean.

Sean's achievements are a reflection of his hard work and dedication and should serve as an example to all young athletes.

His noteworthy performance in Moscow in these highly competitive games brings great honor, not only to himself, but to the entire Nation. Sean is truly worthy of very special recognition.

I am certain that my colleagues would be pleased to join with me and Sean's family and friends in congratulating him on his outstanding performance in the Goodwill Games and in wishing him the very best in all his future endeavors.

SLOW GROWTH REQUIRES CHANGES IN GRAMM-RUDMAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. FRANK. Mr. Speaker, I found a great deal to disagree with in Gramm-Rudman. But the silliest piece of that bill was the assumption that we could in December 1985 make binding assumptions about the rate of growth in the economy as bases on which to mandate specific fiscal policy for the next 5 years. Unfortunately, it has taken even less time than many of us expected for the economy to behave in a way that makes Gramm-Rudman even less sensible than it was when originally proposed.

The indisputable fact is that the economy has grown since last year at a rate significantly below what Gramm-Rudman assumed. This means that the deficit target set by Gramm-Rudman for fiscal 1987 is reachable only at extremely painful economic cost. That is, at a time when the economy is sagging, Gramm-Rudman demands—as originally passed—that we engage in counterproductive fiscal policy. As John Berry noted in the August 17 Business Section of the Washington Post, "A growing number of economists are warning that the Gramm-Rudman-Hollings budget deficit targets for fiscal 1987 will require spending cuts or tax increases so large that they would severely damage the economy."

As I have previously noted on the floor, a wide range of economists, conservative and liberal, Democratic and Republican, agree that in the face of the severe slowdown in growth that has occurred since the passage of Gramm-Rudman, it makes no economic sense to stick with the Gramm-Rudman target for fiscal 1987. John Berry's article documents the economic consensus on this point quite well and I ask that it be printed here.

WILL BUDGET CUTS HURT ECONOMY?

(By John M. Berry)

A growing number of economists are warning that the Gramm-Rudman-Hollings budget deficit targets for fiscal 1987 will require spending cuts or tax increases so large that they would severely damage the economy.

The Gramm-Rudman-Hollings law aims for a 1987 deficit of $144 billion. Reaching that level from this year's deficit of $225 billion or so, these economists believe, will require too much fiscal restraint for a sluggish economy to swallow in one dose. Some suggest that forcing it down could send the economy into recession.

Government spending, like consumer outlays or business investment, is part of the total economy. If it is reduced, there is less demand for goods and services, and the economy slows. If taxes are increased, individuals and businesses have less after-tax income to spend, which has the same depressing effect on the economy. Economists are less certain about these relationships than they used to be, but they generally agree that, in the short run, a very large, rapid reduction in the deficit could slow economic growth.

Instead of trying for an $80 billion cut in one year—which would equal about 2 percent of the gross national product—a number of economists say a reduction of about half that size, to a deficit of around $180 billion, would be more appropriate.

Other analysts say that they also would be worried about the impact of the fiscal restraint if they thought there was any real chance that Congress would take meaningful steps to get close to the $144 billion target. Some changes under consideration, such as selling government assets or moving a military pay day by one day at the end of the fiscal year, would effect the deficit but have virtually no economic impact.

No less an advocate of smaller deficits than Federal Reserve Chairman Paul A. Volcker recently suggested in congressional testimony that the 1987 deficit target is too ambitious.

Volcker has long argued that large budget deficits have contibuted to creation of the nation's enormous trade deficit and helped keep interest rates higher than they otherwise would have been.

But like the other economists expressing concern that an $80 billion or larger reduction in the deficit in one year would squeeze

the economy too hard, Volcker indicated he believes that a cut of that magnitude could prove to be too much of a good thing—though it clearly made him uncomfortable to say so.

At the Congressional Budget Office, Director Rudolph G. Penner shares Volcker's concern, though following the CBO's usual practice, he will not make a specific policy recommendation on the matter.

"It was something we worried about a lot in making our forecast," Penner said.

That forecast showed the economy growing at a 3.5 percent pace during 1987, after adjustment for inflation. And it assumed a deficit of $154 billion, the upper limit of a $10 billion tolerance range allowed by Gramm-Rudman-Hollings, rather than $144 billion.

In its economic and budget update, released earlier this month, CBO put it this way:

"The short-run impacts of such large changes in fiscal policy and the tax structure are a subject of controversy among economists. CBO's forecast assumes that the short-run contractionary impact of changing fiscal policy will be quickly offset by an improved trade balance and by lower interest rates than would otherwise prevail. If these offsetting forces occur more slowly than expected, an increase in economic growth may be delayed."

Penner believes that the growing internationalization of the American economy has weakened the previous link between changes in fiscal policy and changes in economic activity. Since 1982, the large budget deficits have been accompanied by large and rising trade deficits that have offset some of the economic stimulus that the budget deficits provided.

Now CBO is counting on these relationships to be symmetrical, with a falling trade deficit to provide an economic spur for U.S. production and consumption at the same time the declining budget deficit is having a restraining influence.

"Our forecast is highly dependent on that relationship," Penner said, "and some of our economists have voiced concern that they may not work in tandem.

"Interest rates are also related," he explains. "The marketplace has moved some of the good of reducing deficits forward" through lower rates.

And that also causes the CBO director to raise a point about changing the Gramm-Rudman-Hollings targets. "There would be a real question how the marketplace would react to that, especially if we're right that part of the interest rate decision was due to a sense that we have some sense of discipline in the [budget] process."

Alan Greenspan, the former chairman of the Council of Economic Advisers who now heads Townsend-Greenspan & Co., a New York economic consulting firm, is another advocate of smaller deficits who is troubled by the 1987 target and its possible impact.

"It has become increasingly evident in recent weeks that the $144 billion target set for fiscal 1987 followed by a 1988 target of $108 billion is probably unreachable," Greenspan told his clients recently.

"The budget deficit for fiscal 1986 is likely to be $220 billion, or perhaps even larger. With the economic outlook somewhat subdued, the prospect of enough growth in revenues to reduce the deficit sharply, even should spending be constrained significantly, looks remote . . . Certainly, after the November elections when it becomes politically safer to oppose G-R-H, one must assume a plethora of proposals will be forthcoming to alter the path of deficit reduction."

Another former CEA chairman, Martin Feldstein of Harvard University, is questioning the appropriateness of the targets if the economy remains sluggish, and particularly if unemployment starts to go up. During his time at the CEA, Feldstein repeatedly raised White House hackles by urging quick action to reduce the growing budgetary red ink.

Earlier this month, Feldstein and his wife, who also is an economist, wrote in a newspaper column, "In the near term the necessary process of deficit reduction is [an] important contractionary effect to worry about.

"During the past year the prospect of significant deficit reduction by Congress has helped bring down interest rates and contributed to the dollar's decline and thus has boosted economic activity. But the actual deficit reduction that can be expected between 1986 and 1987 is a two-edged sword," the Feldsteins said.

"The resulting confidence in declining deficits will continue to encourage lower interest rates and to maintain a competitive dollar. But at the same time the actual deficit reduction means less demand for goods and services and therefore a temporary decline in economic activity."

The Feldsteins said that it is important not to cause financial market participants to doubt that deficit reduction will occur. "Loss of confidence in Congress could result in rising interest rates and a sinking stock market that would further depress business investment.

"However, it would be wise to redefine deficit reduction goals if the economy does slow down," they continued. "Tax revenue automatically falls and the deficit swells when the economy slows down. It would be just the wrong response for Congress to cut spending even further in that situation. The proper goal of deficit reduction in the next few years should be adjusted for the business cycle. If the economy slows and unemployment rises, the target level for the deficit should raise accordingly."

The Feldsteins suggested this rule of thumb: raise the target level by $4 billion for each one-tenth of percentage point increase in the nation's unemployment rate above current levels of 7 percent.

Roger Brinner of Data Resources Inc., an economic consulting and forecasting firm, last month proposed a similar rule of thumb, with a $5 billion shift of the target instead of $4 billion.

"The targets must be amended only in detail, not in principle," Brinner wrote in the DRI Review. "The economic environment is not as robust as originally hoped, and the budgetary takeoff position is weaker. The original legislation called for steady progress ($36 billion per year) toward budget balance by 1991, assuming the economy would then be characterized by a 6 percent unemployment rate. Furthermore, it was assumed that the fiscal 1986 deficit could be reduced to approximately $180 billion through tough budgetary initiatives early this.

"With the economy unable to break away from 7 percent unemployment and with a projected 1986 deficit of $220 billion, however, a $35 billion to $40 billion increase in next year's target and a new medium-term path for deficit reduction are justified," he said.

Brinner's proposed path would take the deficit down to $50 billion in 1991 instead of zero, as under Gramm-Rudman-Hollings.

Economists are far less sure these days that they know how to measure properly the size of a budget deficit or to calculate its likely economic impact.

For instance, Robert Eisner of Northwestern University argues in his book, "How Real Is the Federal Deficit," that the reported deficit must be reduced by the loss of real value in the outstanding public debt due to inflation. Thus, in 1986, with about a 2 percent inflation rate and roughly $1.5 trillion worth of publicly owned federal debt, there is about a $30 billion offset.

John Paulus, managing director and chief economist of Morgan Stanley & Co., a New York investment banking firm, also says that the holders of federal debt recognize the loss of real value in their holdings each year and respond by reinvesting an amount equal to that loss of real value.

If Paulus is right, the impact of large deficits on financial markets, and therefore on interest rates, could be considerably less than one might suppose. By his accounting, it would take actual deficit reductions considerably smaller than those set by Gramm-Rudman-Hollings to put the deficit by 1991 into what he calls a "neutral" position as far as financial markets are concerned. Gramm-Rudman-Hollings calls for a balanced budget that year.

But whatever adjustments one makes to the calculation of the size of the deficit and its likely economic impact, there remains the worry that reducing it by more than $80 billion in one year alone may be too much.

"For those of us who highly prize economic growth and low unemployment, the risk of insufficient fiscal stimulus must be weighted heavily," Eisner concludes, in his book. "One cannot properly counsel budget balancing in an economy with unemployment still near 7 percent and real economic growth well below its potential.

"The politics of Gramm-Rudman notwithstanding, a budget balanced by current federal rules of accounting is an invitation to economic disaster," Eisner declares.

Politically, no one wants to go before the electorate this fall vulnerable to a charge by an opponent that he or she is in favor of big deficits. Politically and economically, the question is how fast the deficit—which clearly will be a record in fiscal 1986, which ends next month—can be safely reduced.

WHY STAR WARS IS BAD FOR BUSINESS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. KASTENMEIER. Mr. Speaker, although star wars is a giant pork barrel in the sky for the industrial-military complex, it will drain talent from our civilian industries and hurt business research and development.

I would like to call to the attention of my colleagues an article that appears in the September 1986 issue of Dun's Business Month, written by Fred V. Guterl, which states why star wars is bad for American business.

STAR WARS IS BAD FOR BUSINESS—IT WON'T LEAD TO MAJOR COMMERCIAL SPINOFFS AND IT WILL HURT BUSINESS R&D, MILITARY TECHNOLOGY EXPERTS SAY

(By Fred V. Guterl)

Star wars: Tens of thousands of nuclear warheads climb on plumes of brightly glowing gas, arcing over the northern wastelands of the Soviet Union, barely twenty minutes from the United States. In space, a web of battle stations that covers half the globe looks down and unleashes a fury of weaponry: X-ray lasers powered by nuclear explosions, magnetic rail-guns that hurl football sized bullets, huge lasers on the ground that pick off the few remaining warheads in their descent.

Since March 1983, when President Reagan marshaled the nation's scientists and engineers to research an antimissile shield, debate has raged over its technical and political feasibility. But the widely-held assumption that the dazzling technology of the Star Wars project would boost U.S. industry's competitiveness and generate substantial spinoffs for commercial use has gone largely unquestioned.

Everyone agrees that the Strategic Defense Initiative, as Star Wars is properly called, will advance military technology. But dozens of military research experts from government, business and academia told DUN'S BUSINESS MONTH that they are skeptical about the benefits of Star Wars for commercial industry. Although some believe that business spinoffs may eventually emerge, these are impossible to identify at present and are likely to occur by happenstance if at all.

"Most of the technology in SDI just doesn't have any equivalent application in the commercial sector," says Arvid G. Larson, principal at Booz Allen & Hamilton Inc. and a consultant to SDI. Furthermore, by shifting resources to military projects, they argue, SDI may actually impair business R&D. "Mega-projects like SDI take some of the most sophisticated and best people away from commercial R&D," says consultant Edward E. David, White House science adviser to President Nixon.

Nevertheless, SDI proponents assert that Star Wars will produce a technological renaisance in the U.S. Lieutenant General James Abrahamson, director of the SDI Organization, has insisted that the program "will so stimulate the national economy that it will pay for itself."

Spinoffs would account for much of the civilian benefits, says James Ionson, director of research for SDI. "It would be easy for commercial industry to adapt these technologies," he says, "just a matter of adjusting a few knobs and dials, so to speak." Computer technology for tracking missiles could be used for airport traffic, beam weapons for destroying missiles could lead to better surgical tools, rail guns could be adapted for transportation, and so on. Ionson likens the SDI to the Apollo space venture. "For every $1 spent by NASA, there were $8 returned to commercial industry," he asserts.

After three years of research, SDI advocates claim that Star Wars' potential commercial benefits will rival those of past military ventures; the outgrowth of commercial aviation from Air Force work, the computer industry from research in the National Security Agency, and the semiconductor industry from the Minuteman intercontinental ballistic missile.

But SDI research does not have obvious uses in commercial enterprise. "There have been spinoffs from military technology in the past," says Booz Allen's Larson, "but SDI does not fall into that category." For example, experts doubt that laser weapons could be turned to industrial use. "These lasers are fun to look at and talk about," says Wolfgang H. Demisch, aerospace analyst at First Boston Corp., "but there sure as hell aren't going to be direct spinoffs."

In past programs, contrary to common belief, the military generally has not acted as a progenitor of technology. SDI will be no different, experts argue. When Boeing designed its first 707 wide-body jet for the Air Force in the 1950s, its executives recognized early on the commercial potential of the plane, says Bruce Allesina, the company's SDI engineering manager. Likewise, the integrated circuit was invented at commercial firms. The Minuteman missile program created a market for ICs, helping semiconductor makers to bring costs down.

The lion's share of SDI funds are tagged for the development of highly-specialized weapons. For one thing, only 3% of the SDI budget—less than $100 million this year—goes for basic research into broadly applicable technologies, such as high-speed computers that use light instead of electrical current, an area of much promise. The rest is applied research and development. About three-quarters goes to defense contractors, such as Boeing's $300 million award to develop an airborne system for tracking incoming missiles, and General Dynamic's $40 million rail-gun contract. The remaining 20% goes to Department of Energy laboratories for such R&D projects as high-powered lasers.

Moreover, the requirements for military and civilian industries have diverged sharply in recent years, experts say, reducing the likelihood of spinoffs. The new fighter made by Grumman Corp., for example, has wings that sweep forward to give it an extraordinary agility useful in dogfights but not in commercial industry. The machine-tool industry became overdependent on the DOD's contracts for numerically-controlled machines in the 1970s, leaving it flat-footed against overseas competition, says Jay S. Stowsky, a policy analyst at the University of California at Berkeley.

The goal in military work is reliability regardless of cost, says Warren F. Davis, a research physicist at the Massachusetts Institute of Technology and a ten-year veteran of military research. "That's not the case in the commercial world."

Overreliability also severely limited spinoffs from Apollo, despite the National Aeronautics and Space Administration's efforts to promote them. For example, in one NASA demonstration, a heat-resistent paint was so good it didn't char even when the underlying metal began to melt. But it was impractically expensive. "The program was a dismal failure," says an ex-NASA official who requested anonymity.

Moreover, military R&D has produced commercially-applicable technologies in relatively few instances, and even then the commercial payoff is slow in coming. DOD funded artificial intelligence research for thirty years before it became commercially useful. Similarly, many computer scientists doubt that SDI funds will quicken the pace of innovation in software needed to produce the anti-missile shield.

SDI critics contend that useful technology from SDI may remain bottled up in secrecy for years before the commercial sector gets access to it. "If work is unclassified, people will jump all over it like mice to find a way to use it," says David Williamson, a policy consultant to NASA. "But if it's classified, it will sit behind green doors."

It is difficult to assess how much of the SDI program is classified. But sources say that virtually every SDI program is classified in part. According to Lawrence Longerbeam, director of the technology transfer program at DOE's Lawrence Livermore Laboratories, "close to half of our almost $1 billion budget goes to classified research. That stuff is strictly protected and doesn't go anywhere outside this lab."

Work done by defense contractors, the bulk of the SDI program, involve even more restrictions. Scientists doubt that basic SDI research will be communicated freely in light of the Reagan Administration's touchiness about the dissemination of unclassified research with military potential.

What about the argument that business will benefit from a workforce versed in the state-of-the-art technology of SDI? "It's not widgets, gadgets, or doohickies that are important, but people who change jobs and bring with them the knowledge they've gained." says Gerold Yonas, who recently left his position as chief scientist at SDI to become vice president at Titan Corp., an SDI contractor.

Critics dispute these claims, too. Just as weapons are over-designed for civilian use, researchers often become pigeonholed into military specialties, according to MITs Davis. "The military's need-to-know policies, in which a researcher is told only as much as he's needed to do his job creates a professional myopia."

Workers from large-scale technical projects in the past have had trouble finding jobs, says. Booz Allen's Larson. "In southern Florida, you see a lot of pizza parlors run by ex-Apollo computer programmers," he says, If SDI is deployed, he adds, "it will be a massive military construction project. But when it ends, all these trained people will have nowhere to go."

Meanwhile, SDI, and military R&D in general, is draining talent from civilian research, which is shrinking as a result of government spending cutbacks. A new $350 million fusion energy facility at Lawrence Livermore Laboratories sits idle for lack of funds, says John Holdren, professor of energy and resources at the University of California at Berkeley. "Fusion research is being converted wholesale to weapons research," he asserts. "I see people pick up their files and walk 150 feet away to the beam weapons lab next door."

Heavy SDI recruitment in the glamour fields leaves few warm bodies for mundane civilian pursuits. David. Nixon's science adviser, says "Researchers are being drawn into aerospace and computer-related fields, and in the meantime our manufacturing technology is going to the dogs."

The brain drain pushes up salaries for technical talent—at least for the four-to-six years it takes for universities to produce more graduates. After that, "the market is destabilized, to the detriment of industry," says Professor Frank R. Lichtenberg of Columbia University, who has studied the economic effects of military R&D spending.

It is also feared that high-paying SDI contracts will lure away the best and the brightest from business. Computer software specialists, in particular, have been scarce for several years.

To be sure, as SDI officials hasten to note, the project's goal is not to nurture commercial industry but to protect national security. But it is de facto the nation's technology policy because it is so big: roughly $90 bil-

lion by 1994 and hundreds of billions if the anti-missile shield is ever built. Even budgeted at slightly less than $4 billion for 1987, it already is the single largest government R&D project. "The U.S. has no political consensus for industrial policy or technology development except for issues dealing with national security," says First Boston's Demisch.

As a national security issue, SDI must be decided on its defense merits rather than its business implications. Ironically, SDI's commercial potential is being used as political propaganda for the program. "The whole issue of commercial spinoffs," says military analyst John Pike of the Federation of American Scientists, a private research group, "is to sell the program to the public." But that doesn't make Star Wars good for business.

MINNESOTA GOVERNOR FLOYD B. OLSON 50 YEAR COMMEMORATIVE EVENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. VENTO. Mr. Speaker, my State of Minnesota is a wellspring of important political leaders, but no Governor captured the heart of the common man as did Governor Floyd B. Olson. Indeed, his leadership was felt across our great Nation.

Many of the things that working people take for granted were innovations that were pioneered by Floyd B. Olson, an illustrious Governor of Minnesota in the 1930's. The right to organize, health and pension benefits, laws prohibiting the exploitation of women and children, safety regulations to prevent taxation based on ability to pay, a public education system that does not favor the wealthy and the powerful, et cetera, are a partial listing of the things for which Olson worked during his lifetime.

Farmers found a champion in Floyd B. Olson. He fought for fair prices for their crops, for conservation measures to protect the land, for rural electrification programs, for credit they could afford and for laws to prevent unjust foreclosures.

He fought for the rights of small business against monopolies, trusts, railroads and utilities which tried to stifle competition to their own interest. He knew that Minnesota's future rested, not with economic giants, but with individual initiative and enterpirse.

During Minnesota's centennial in 1958, farmers, workers and small business were the principal sponsors in establishing a permanent tribute to Olson in the form of a statue in front of the State Capitol.

Floyd B. Olson died 50 years ago. In commemoration of his life and times, the Minnesota Historical Society opened an exhibit in the rotunda area of the capitol on Saturday morning, August 23.

The exhibit, which will be a permanent part of the Minnesota Historical Society presentations, should be seen by all who profess a concern for others. Pictures, newreels, newspaper accounts, and radio transcripts are a small part of the display which give us a true sense of our historical and political heritage in Minnesota.

The program and rededication of the Governor Floyd B. Olson statue was led by current Governor Rudy Perpich, Olson's daughter, Mrs. Patricia Krantz, DFL State Chairwoman Ruth Esala, and other political leaders and agricultural organization leaders instrumental in the ascendancy of Floyd B. Olson's Farmer/Labor political party, the predecessor to the Democratic Farm Labor (DFL) Policital Party of Minnesota. The chairman of the event was State Representative James Rice, who assembled a Commemorative Committee to which I was privileged to lend my support, is due special commendation for the significant and successful effort he expended to this moving program. The following is an article written by Russell Fridley about Floyd Olson which points out the special qualities and service that characterize this Minnesota legend.

STATE'S GREATEST GOVERNOR? MANY QUICKLY NAME FLOYD B. OLSON

(By Russell Fridley)

Among the remarkable number of political leaders that Minnesota has produced, Floyd B. Olson, governor between 1931 and 1936, wins my nomination as the most extraordinary of them all. The 50th anniversary of his death (Aug. 22, 1936) will be observed by a commemorative program at the State Capitol Aug. 23.

Olson lore—highlighting his magnetism, oratory, humanity, courage, decency, sex drive, alcoholism, intellect—is still to be found in abundance in all corners of the state. This collection of indelible memories of him illuminates the character, personality and lasting imprint of a public figure possessing rare natural gifts, whose personal flaws were tolerated sympathetically by Minnesotans.

They elected him governor three times on a third-party ticket. A half-century after his death, Olson remains a compelling and captivating leader during a time of the utmost economic and social stress. In 1964, the Minnesota Historical Society asked 32 teachers of Minnesota history and politics to name the state's five outstanding governors. Floyd B. Olson was far and away the first choice. My guess is that a poll today would reach a similar conclusion.

Journalist Eric Sevareid, a student at the University of Minnesota during Olson's governorship, was impressed by Olson's popularity with students and considered him a better speaker than Franklin D. Roosevelt. In the words of Arthur Naftalin, producer of a television series on governors who served since 1931, "The governorship of Floyd Olson remains a golden memory in Minnesota history."

Stafford King, long-time Republican state auditor who was elected to his first term at the same time Olson was elected to his, considered Olson a genius as a leader presiding over a broad coalition that stretched across the spectrum of Minnesota politics. King, in oral history interviews, described Olson as clearly the most outstanding of the 10 governors with whom he served between 1931 and 1967. George A. Selke, university president and official in the Orville L. Freeman administration, praised Olson's first-rate intellect. Theodore S. Slen of Madison, Minn., a Democrat in the state Senate during the 1930s, emphasized Olson's empathy with people. He never forgot who put him in office.

Standing 6 foot 2, blue-eyed handsome, virile, aggressive, Olson had the common touch with persons from all walks of life. Comfortable in meeting a mob of thousands who marched on the State Capitol and able to disarm their anger with uplifting oratory and a message of hope, he was equally at home in addressing a crowd of students on university and college campuses or in the company of wealthy friends and foes with whom he frequently mingled socially—at country clubs and summer resorts.

With most of the newspapers opposed to him, Olson became the first Minnesota governor to make extensive use of radio and the lecture platform. A virtuoso as a speaker, his powerful voice, theatrical delivery, clear analysis of the issues and satirical humor captivated his audiences.

Olson, originally a Democrat, went down to defeat as the Farmer-Labor party's standard bearer for governor in 1924. He made a successful comeback in 1930, agreeing to accept the Farmer-Labor nomination for governor only if he were allowed to write the platform. Olson's rhetoric was usually more radical than his actions; in fact, he largely ignored the radical planks of the 1930 platform. With his re-election in 1932, he effected a political alliance with Franklin D. Roosevelt, and thereafter his policies generally foreshadowed or reflected those of the New Deal.

Despite a hostile legislature, Olson secured large appropriations for the relief of unemployment, a two-year moratorium on farm mortgage foreclosures, and old-age pensions; he implemented measures to conserve the environment and secured the state's first income tax law in 1933. His bold intervention in the 1933 Hormel strike and the violent Minneapolis truckers' strike a year later exhibited his uncommon skill at negotiation and forged a successful settlement between management and labor.

Olson's re-election to a third term in 1934—this time with strong backing from urban labor and reform forces—promised a more radical program. The Farmer-Labor Party's 1934 platform, a startling document, proposed public ownership of all industry, banking, insurance and public utilities, as well as the formation of a "co-operative commonwealth." Toward the end of his governorship, Olson's rural support dwindled but his strength in urban areas increased. His third term was a turbulent one, marred by strikes and intraparty fights, increasing disagreements over patronage, and hampered by a virtual deadlock in the legislature.

Harry H. Peterson, Olson's attorney general, when asked "How much of the success of the Farmer-Labor Party was due to Floyd Olson?" replied, "About 99 percent."

He held together a tenuous coalition: workers, farmers, co-operatives, isolationists, socialists, prohibitionists and progressives. Many of these citizens sought solutions outside of the two major parties for a better way to reform society, others were defectors from the Republican and Democratic parties or opponents of war—principally German and Scandinavian Americans. Olson led the most successful third party in American history to its greatest victories, drawing strength from and enlarging upon Minnesota's sturdy populist tradition.

At his death of cancer at age 44, there was an unparalleled outpouring of grief by the people of Minnesota. An estimated 200,000 filed by his bier at the State Capitol; the Minneapolis auditorium was packed to capacity at his funeral; and thousands more

listened at loudspeakers outside the building to Wisconsin Gov. Philip F. LaFollette's eulogy. As part of the 50th anniversary program on Aug. 23, the Minnesota Historical Society will open an exhibit illuminating Olson's life and times and captivating personality.

The sense of loss and the depth to which it was felt by Minnesotans is poignantly summed up by the daughter of an Albert Lea Farmer-Laborite: "I saw my father weep tears only two times, once when my mother died and once when he returned from Floyd B. Olson's funeral."

In his second inaugural address, delivered during the depths of the Great Depression in 1933, Olson observed, "We are assembled during the most crucial period in the history of any nation and our state. Just beyond the horizon is rampant lawlessness and possible revolution. Only remedial social legislation, national and state, can prevent its appearance." No political leader from this state has so clearly sensed the trend of the times and possessed the eloquence and ability to rally the people to support his program of marked change in the role of state government.

Olson offered hope to the victims of the Great Depression and championed a larger role for government, a political philosophy in retreat today. Many thought he was destined for the White House, and his untimely death invites endless speculation on what his future might have been as the war clouds gathered and the wartime effort replaced the reform crusade of the early years of the Great Depression.

The Farmer-Labor Party he led brought about widespread citizen participation in political affairs and produced courageous leaders who crusaded for social justice. Its legacy—and Olson's—is a strong orientation of Minnesota voters toward social concerns, progressive reforms, high taxation for a high level of public services and, above all, the issue-oriented and independent political tradition for which Minnesota is known.

FLORIO HONORS JACK FRANCIS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. FLORIO. Mr. Speaker, I rise today to bring to the attention of my colleagues the courage and heroism of Mr. Jack Francis, an outstanding resident of New Jersey's First Congressional District.

On the morning of June 28, Jack was loading his car for a family trip when he saw smoke coming from his neighbor, Mr. Kern's home. Jack quickly forced his way through the back door and rescued Kern's sister Annemarie and her daughters, ages 4 and 7.

Realizing that Mrs. Kern's father, John, was still inside, Jack rushed back into the burning building. Locating him on the second floor, Jack guided John out of the house.

Mr. Speaker such a demonstration of bravery and courage is truly worthy of very special recognition. I am certain that my colleagues would be pleased to join with me and Jack's family and friends in honoring Jack for his life-saving heroism.

AFRICA'S NEW LEADERS: TAKING CHARGE AND MAKING REFORMS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mrs. ROUKEMA. Mr. Speaker, a unique look at Africa's new leaders, in terms of their commitment to improving the well-being of their people, occurred recently as Joan Holmes, global executive director of the Hunger Project, undertook a monthlong visit to five eastern and southern African nations.

The subject has been on Ms. Holmes' mind, as well as a focus of concern for the Hunger Project, for some months. In April, she attended the United Nations Economic Commission for Africa conference and was struck by the new spirit among Africa's leadership for taking charge and instituting reforms.

In her position as head of the organization of more than 4.3 million individuals committed to the end of the persistence of hunger by the close of the century, Ms. Holmes wrote the following opinion article, which was published by the Christian Science Monitor.

Although the views expressed are strictly those of Ms. Holmes, I am pleased to share the text of the article with my colleagues and the American people, who will find in Ms. Holmes' observations an interesting and encouraging perspective on hunger in Africa.

[From the Christain Science Monitor, May 28, 1986]

AFRICA'S NEW LEADERS: TAKING CHARGE AND MAKING REFORMS

(By Joan Holmes)

Common wisdom has it that Africa is overwhelmingly burdened with leaders who are corrupt, incompetent, and uncaring dictators. At a time when millions have faced starvation, Africa's leaders are seen to be doing little to benefit their own people.

Yet, last month while in Cameroon for the Silver Jubilee Conference of the UN Economic Commission for Africa (UNECA), I was once again struck by how grossly oversimplified and largely inaccurate this oft-repeated stereotype is.

In recent years a new spirit has taken hold among the leadership of numerous African nations—publicly acknowledged accountability for past errors; a willingness to shed failed policies and adopt pragmatic new approaches; a commitment to resolve the economic and agricultural problems of the continent; and most significantly, an acceptance that the responsibility for economic and social change rests with Africa itself.

Also largely unnoticed has been the emergence of a new generation of leadership which has come of age in the years since independence. Many of those in this generation place the highest political primacy in African self-reliance and self-sufficiency. In the words of Adebayo Adedeji, executive secretary of UNECA, the resulting policy reforms could spell the "revolution of the century" in Africa. They could also ultimately break the back of persistent hunger and underdevelopment on the continent.

In Zimbabwe Prime Minister Robert Mugabe's government has committed itself to providing peasant farmers with low-interest loans, access to extension services, and other support. As a result, Zimbabwe has achieved record harvests and is exporting food to neighboring African nations, even as far away as Ethiopia.

In Zambia, President Kenneth Kaunda, Africa's highly respected senior statesman, has sparked a national "economic crusade" to revitalize the country's economy. His efforts to encourage domestic food production and decrease dependency on imports have necessarily brought with them short-term hardship; the price of the country's basic foodstuff, cornmeal, has risen substantially, and gasoline prices have doubled. Kaunda's political courage in taking these difficult steps is obvious.

In Ghana, 39-year-old Chief of State Jerry Rawlings has risked alienating the middle class by raising farm prices, cutting urban food subsidies, and devaluing the currency. These much-needed reforms have led to four assassination attempts against him. Yet, coupled with increased rainfall, they also helped produce a bumper harvest—enough to feed the country's population, with some surplus left over for export.

This movement for self-sufficiency is a continent-wide phenomenon.

In a landmark document—the "Addis Ababa Declaration"—28 African heads of state declared last year that: "We reaffirm that the development of our continent is the primary responsibility of our governments and peoples. We are, therefore, determined to take concrete actions and measures individually and collectively for the achievement of the economic development of our continent. . . ."

In more concrete terms, the declaration calls upon African governments to earmark 20 to 25 percent of their public spending for agriculture and food production by 1990. Several countries—among them Zimbabwe—have already made substantial progress toward that goal, and in Cameroon last month, senior officials of 50 African countries again endorsed this target.

The African economy is at the crossroads, Dr. Adedeji says, and 1986 is a "fateful year . . . our year with destiny." Keenly aware that Africa cannot go it alone, that international financial and technical support will be required if the new direction in Africa is to be sustained and have a chance of success, Adedeji told the assembled delegates at the Cameroon conference:

"Africa must demonstrate in every practical way its recognition of the need to bear the burden of its development. It must convince the skeptical and increasingly cynical world of its commitment and determination by tightening its belt and putting in place appropriate austerity measures, as well as by accepting the self-discipline required to achieve an economic turnaround."

As Africans shoulder the burden they must bear, the ball moves back in the donor nations' court. An early test is upon us, as the United Nations General Assembly convenes today in a special session on Africa, the first time the UN has focused solely on the needs of one continent. At the session, African nations will present a program of economic recovery which they themselves have devised, and for which they have pledged to provide 70 percent of the funding. How the donor nations of Western Europe and North America respond to this request for long-term partnership and assistance will send a strong signal to Africa's leaders, indicating to them the extent to which they can count on the international community to support them in the difficult course they are charting.

Nearly a year ago, President Abdou Diouf of Senegal, chairman of the Organization of African Unity, addressed a conference of the heads of state of more than half of Africa's countries. "At stake," he said, "is our credibility before our own people, before the entire world, indeed before history." At this critical time for Africa's future, a time that former World Bank president Robert McNamara has called "the opportunity of a decade, if not of a generation," President Diouf's words speak to us all.

COMMEMORATE 20TH ANNIVERSARY OF SIMON'S ROCK OF BARD COLLEGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. CONTE. Mr. Speaker, I rise to commemorate the 20th anniversary of Simon's Rock of Bard College in Great Barrington, MA, the only 4-year, liberal arts college in the Nation exclusively enrolling high-school-age students. I want my colleagues to know about this educational experiment that worked, and continues to work well.

Convinced that the traditional route to a college degree through secondary and higher education was stymieing the educational aspirations of many 15- and 16-year-olds, Elizabeth Blodgett Hall, former headmistress of Concord Academy, founded Simon's Rock 20 years ago. In 1979, Simon's Rock became an integral, but distinct part of Bard College, a 125-year-old liberal arts college in Annandale-on-Hudson, NY.

This wonderful college not only offers a rigorous academic program, but it does so in a social environment appropriate to adolescents. It challenges the students intellectually, but does not imitate the laissez-faire atmosphere of traditional college campuses nor presume premature adulthood. The young men and women who enter Simon's Rock generally have completed the 10th or 11th grade in high school, although some have completed the 9th grade and are admitted for a bridge year before being allowed to enter the college program. This year, the college received nearly 6,000 inquiries from prospective students, 2½ times as many as made such a request last year, but will only be able to enroll 120 new students. Secretary of Education William Bennett recently suggested that we need to loosen "the chronological lockstep by which children ordinarily enter and progress through school * * * to provide for differences in children's abilities." Simon's Rock has been doing that for 20 years.

The college is accredited by the New England Association of Schools and Colleges to award the B.A. degree in seven interdisciplinary areas, the BPS degree in a combined vocational/liberal arts curriculum, and the AA in liberal arts. The academic program is based on a strong core curriculum in general education, which requires foreign language study, and an emphasis on independent learning that culminates in a required senior thesis. Many students take advantage of several programs of study leading toward additional degrees at other institutions. This innovative set of "3-2" programs combines 3 years of undergraduate study at Simon's Rock, with 2 years of graduate work at other institutions, leading to an MSW from Hunter College, an MBA from the University of Rochester, and a MPA from Syracuse University. The college offers several other innovative programs, including a mandatory workshop in language and thinking designed to help students develop the communications skills needed to compete at the college level, and intensive foreign language study programs. Significant support is offered to qualified minority students through the W.E.B. DuBois Scholars Program, named in honor of the distinguished social critic and historian who was born and lived in Great Barrington.

This beautiful campus is located on 275 acres in the southern part of the Berkshires. Its library houses over 50,000 volumes, special collections, and a growing number of recording and periodicals, supplemented by more than 170,000 volumes at Bard's library. Twenty-nine academic, residential, and administrative buildings complete the physical plant, together with a computer center, a 180-seat theater, athletic facilities, and an arts complex.

But the real story of Simon's Rock is the success of its graduates. Young men and women who otherwise might have had their educational aspirations frustrated by traditional educational offerings, are now performing as physicians, teachers, lawyers, businessmen and women, archeologists, artists, ministers, bankers, musicians, graduate students, and in virtually every other walk of life.

Mr. Speaker, President Leon Botstein, Provost U Ba Win, the overseers and trustees, faculty, and administration have given of themselves to build upon the vision of founder and President Emerita Elizabeth Blodgett Hall to sustain and nurture this experiment in education. Together with the student body, they have made Simon's Rock an important and successful part of the community of Great Barrington, western Massachusetts, the Commonwealth, and the Nation's higher education enterprise.

I am proud to represent Simon's Rock of Bard College and I salute them on the occasion of their 20th anniversary, to be celebrated at convocation ceremonies on this coming Saturday, September 13, 1986, Simon's Rock of Bard College Day in the Commonwealth of Massachusetts.

CONGRESS—CULPRIT IN ESCALATING COLLEGE COSTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. BEREUTER. Mr. Speaker, this Member commends to the attention of his colleagues, and particularly those working on the conference agreement for the reauthorization of the Higher Education Act, the following editorial comment from the August 28, 1986, New York Times.

In particular, the editorial points a finger at a Congress whose good intentions allowed many private colleges to make the decision to raise their fees dramatically during the halcyon days of limitless student aid.

Additionally, the crisis in college costs is carried beyond the college years, as borrowing students rack up tens of thousands of dollars in student aid debts "before they even earn a dime."

[From the New York Times, Aug. 28, 1986]

WHY SO COSTLY?

(By Warren T. Brookes)

As the college semester approaches, taxpayers, especially those with college-bound offspring, brace for another annual shakedown by the "Ivy Cartel"—the four-year private colleges and universities.

From 1980 to 1986, these private institutions raised their annual total costs (tuition, fees, board and room) a colossal 90.2 percent, nearly triple the total inflation rate in the same period (33.4 percent). Public four-year colleges are almost as bad, having raised their total costs more than 67 percent—double the inflation rate.

Since 1980, private four-year colleges have upped their total costs from an average of $5,888 a year to last year's average of $11,210; public colleges' costs have jumped from $2,487 to $4,156, with another 8 percent to 10 percent hike set for this fall.

Year after year, parents—and ultimately all taxpayers—have been hit with increases of 9 to 15 percent, even as the annual inflation rate has plummeted to its current level of only 1.8 percent (June 1985 to June 1986).

The chief culprits are not greedy college administrations; they are the much too friendly members of Congress whose maudlin overgenerosity with student aid has created a cartel monster. Throughout the first half of the decade, colleges and universities knew that students and parents had virtually unlimited access to Federally subsidized borrowing. And, precisely as that access to and use of Federal aid rose, the Ivy Cartel grew more arrogant in its demands.

In 1970, when the student loan program was still in its infancy, fewer than 23 percent of all students got Federal aid, and throughout the 1970's colleges and universities held their annual tuition hikes to just about the level of inflation. But by 1980, when student aid—especially low-cost (highly subsidized) loans—was being used by 60 percent of the entire student enrollment, the lid came off the college price index. Private schools inflicted an 11.3 percent average annual increase even as the inflation rate fell to an estimated 2 percent this year.

As a result, in a period when higher-education enrollments were beginning to level off, and when lower inflation should have enabled Congress to cut these aid programs, their total costs continued to soar from $7.5 billion in 1980 to $9.4 billion in 1985-86. The Senate recently approved a program to spend at least $9.8 billion in fiscal 1987.

Not surprisingly, universities have taken advantage of these mounting "entitlements" to push parents and students into ever deeper mires of debt from which many students may never recover, piling up $40,000 to $60,000 in debt before they even earn a dime.

H.R. 5395—TO INCREASE THE STATUTORY LIMIT ON THE PUBLIC DEBT

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, on August 15, CBO and OMB took a snapshot of the fiscal year 1987 budget which is likely to project an average fiscal year 1987 deficit of somewhere in the neighborhood of $163 billion. Absent action by Congress on deficit reduction, $19 billon in cuts will be mandated by sequestration in an arbitrary and disruptive way.

This is a time for action. Has the other body acted? No. There they go again. The House is being asked to act on another gimmick to address the deficit.

The same people who created an unconstitutional scheme in the first place have developed a new scheme. But, the other body missed the message of the Supreme Court—the Constitution affords no substitute for the branches of Government performing their assigned functions.

Indeed, I have serious concerns about the Gramm-Rudman "fixes" that the bill's original sponsors are now proposing in "Gramm-Rudman-Hollings II." They would have the OMB Director replace the Comptroller General as the ultimate arbiter of differences. OMB and CBO would estimate the deficit and compute any required cuts, which would be reviewed by the Comptroller General, as under the original law. The Comptroller General, then, would forward it to OMB for a final determination. One sponsor has said that OMB's function would be "just a green-eyeshade calculation." Another has noted that OMB would inevitably have some discretion in projecting the deficit and allocating cuts.

The role of OMB is critical. If OMB's role is purely ministerial, the constitutionality of the law could be questioned on the same grounds on which it was successfully challenged—the role of GAO in executing the law. If, however, OMB is not just making a "green-eyeshade" calculation, then we need to be concerned about the accuracy of the estimates and, especially, the direction of its policies.

The Senate amendment would grant broad powers to the director of OMB, allowing him to determine the parameters of sequestration giving only "due regard" to the GAO report. There is no safeguard in the amendment to ensure that OMB conforms with the GAO report, as the law envisions. Additionally, to correct an order drafted by OMB, Congress would have to pass a measure and the President would have to sign it.

The new Senate proposal would require Congress to vote on economic assumptions including unemployment, inflation, interest rates, and economic growth. Our responsibility is to set forth congressional priorities in fiscal policy, not to legislate assumptions of this country's economic future.

There are troubling institutional questions here that go to the heart of our system of government, The Wall Street Journal ran an editorial on Monday, July 21, arguing that the logic of an automatic Gramm-Rudmann process is leading us inexorably toward the line-item veto. "The emerging consensus," they write, "Is that Congress is no longer capable of exercising the power of the purse * * * nor does it wish to exercise that power." In their view, when The Gramm-Rudman-Rube Goldberg machine falls apart, the line-item veto "will be the only proposal on the table."

I have no quarrel with the logic of this argument, but I do reject the premise that Congress cannot do what it was elected to do. Congress can and should exercise its constitutional powers with respect to fiscal policy. If we do not, those powers will be exercised by others in the executive branch. As the Journal notes, the logic of an automatic Gramm-Rudman law is the logic of the line-item veto, the logic of a transfer of power from Congress to the President. I do not favor such a transfer, nor, I believe, do most Members of the Congress. But we need to understand the implications of our actions before we rush forward to embrace a fairy godmother whose charms may rapidly wither after November.

I support the existing fallback mechanism—a procedure which works by putting the responsibility on Congress, the representatives of the people elected to lead. As chairman of the House Budget Committee and cochairman of the temporary Joint Committee on Deficit Reduction, I pledge to work with all of you in meeting the deficit targets and rendering these arbitrary across-the-board cuts unnecessary.

I propose that we adopt the following approach in September which, if implemented, can avoid sequestration. First, we get the maximum possible savings already mandated by the budget resolution out of the pending reconciliation bill. Second, we incorporate the budget resolution's unreconciled savings into legislation. Third, any further deficit reduction which might be necessary will be achieved through additional deficit reduction legislation in an equitable manner.

The Senate amendment is no response to the action needed. I urge you to send a message to the other body. We were elected to lead and make the hard choices. We must all be mindful of the deficit problem, but we must not be mindless in our response. Reject the Senate amendment.

RECOGNIZING THE DAUNTLESS FIRE CO'S. 150TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. MURTHA. Mr. Speaker, it's a distinct pleasure for me to recognize the 150th anniversary of the Dauntless Fire Co. of Ebensburg, PA.

The formal organization and title of the fire company took place in 1836, and was incorporated in 1872. Actually, Ebensburg has had firemen since 1825. As part of the their anniversary, the company is hosting the 94th Annual Convention of the Central District Volunteer Fireman's Association on August 14, 15, and 16.

It is difficult, yet instructive, to try and remember back to the very different kind of life the men who started this fire company had. It was a time when news was delivered in terms of weeks rather than minutes, when one relied on a fireplace in the winter and a hand-held fan in the summer, and when most families were self-sufficient in their needs.

But it is important to remember that one of the key elements which organized the communities of this time was the fire departments. It served as an organizer, a social meeting place, a community hub. And it is also instructive in thinking of the qualities enhanced in the fire department, because I know from my work with the citizens and community of Ebensburg that those same qualities of independence, self-reliance, and dedication remain today.

The history of the fire department is an important one to America and its communities. And it is in that spirit of our great Nation, that I am pleased to join in recognizing Ebensburg and its citizens on the occasion of the Dauntless Fire Co.'s 150th anniversary.

H.R. 4151

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. DELLUMS. Mr. Speaker, I want to offer my sincere congratulations to my colleague, Chairman DANTE FASCELL for his leadership in reaching agreement on the conference report on H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986. As chairman of one of the many committees that was involved in hammering out the rough places in this piece of legislation, I appreciate his work and that of his diligent staff.

In the course of developing this omnibus legislation there was an amendment to repeal a District of Columbia law that establishes the 500-foot perimeter that demonstrators must maintain in front of diplomatic facilities by including the District of Columbia in the 1972 Federal law that sets the perimeter at 100 feet. The Federal law is less restrictive than the District of Columbia law because it requires the law enforcement officers to be able to "prove intent to harm" before the 100-foot perimeter can be imposed on demonstrators thereby removing the spatial restrictions which serve as police staging areas.

The District government, Federal and local law enforcement officials and the U.S. State Department were opposed to this amendment. I joined them in opposition for two reasons: First, the Federal and local law enforcement officials indicated that they could not guarantee adequate crowd control or protection of demonstrators, diplomatic facilities, or police personnel with the 100-foot perimeter; second, the section of the District of Columbia law which was to be amended is within the legislative authority of the District of Columbia government as delegated to it by Congress. As a home rule matter, I found it inappropriate for the Congress to amend this local law without giving the locally elected government an opportunity under the home rule process to

consider the matter and work its will with regard to local legislation.

I commend Chairman FASCELL and the House-Senate conferees for taking seriously the home rule problem created by such an amendment and agreeing to omit the amendment with the understanding expressed in section 1302 of the conference report which suggests that the District of Columbia Council review and if appropriate make revisions in the law concerning demonstrations near foreign missions.

This action by my colleagues in the House and Senate is a further indication of the Federal-local partnership which should and does exist in most instances under the home rule arrangement.

UNITED VETERANS MUTUAL HOUSING CO.

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today to mark a truly special occasion. On this Sunday, after 34 years of patience and perseverance, the United Veterans Mutual Housing Co. of Queens County, NY, will celebrate a joyous occasion with a mortgage-burning party.

Mr. Speaker, over three decades ago, a new community was born in New York. The community, Bell Park Manor-Terrace, was only the second veterans' middle-income housing cooperative in America. Now, Bell Park Manor Terrace has matured into a vibrant, thriving, neighborhood, and stands as living proof that Government and private citizens can work together effectively.

Formed by men and women who had already shown their courage and patriotism defending their Nation in its time of need, Bell Park Manor-Terrace is no mere collection of houses and people. Led by an active community council, this Queens development hosts an annual blood bank, a newspaper, block watch and auxiliary police programs, and is home to a summer day camp, Federal credit union, and new educational facilities ranging from the nursery school to high school levels.

Mr. Speaker, the achievements of the United Veterans Mutual Housing Co. in Queens County are a testament to the hard work and dedication of people who believed, and still believe in the American values of community and neighborhood. Bell Park Manor-Terrace is also a prime example of how we should reward those who sacrificed for their country. Our Government's small investment in the United Veterans Mutual Housing Co. and similar corporations across America, has been a true success story of the postwar era.

I call now on all of my colleagues in the U.S. House of Representatives to join me in congratulating the United Veterans Mutual Housing Co. on the occasion of their mortgage-burning, and in wishing the men and women of Bell Park Manor-Terrace many more happy years in a strong and healthy community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 9, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:00 a.m.
Judiciary
To continue hearings on certain provisions of S. 2760, Product Liability Reform Act.
SD-226

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 2565, to ensure the orderly and competitive development of the telecommunications industry, and related proposals.
SR-253

Impeachment Trial Committee
To meet, to consider the pretrial motions filed by the Managers for the House of Representatives and counsel for the Honorable Harry E. Claiborne, and other related matters.
SR-301

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of W. Kirk Miller, of Wisconsin, to be Administrator of the Federal Grain Inspection Service, Department of Agriculture.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on S. 2340, to provide a system of liability and compensation for oil spill damage and removal costs.
SD-406

Finance
Business meeting, to mark up H.R. 1868, to provide protection against fraud and abuse in the nation's health care programs, and S. 2209, to make permanent provisions of the Social Security Act which allow disabled recipients of benefits under the Supplemental Security Income Program to receive benefits while working.
SD-215

Conferees
Closed, on S. 2638, National Defense Authorization Act of 1986.
S-407, Capitol

10:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 917, to authorize the payment of death benefits to survivors of public safety officers who die as the result of certain medical conditions sustained in the performance of duty, S. 1479, to include within the provisions of the Public Safety Officers' Death Benefits Act, any person serving as a firefighter, or member of a rescue squad or ambulance crew, and S. 2499, to increase the amount of death benefits paid to the survivors of public safety officers, and to revise beneficiary restrictions.
SD-562

Temporary Joint Committee on Deficit Reduction
Business meeting, to receive and consider the Office of Management and Budget and Congressional Budget Office sequester report.
SD-G50

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Conferees
On S. 1965, to revise certain provisions and to authorize funds for programs for the Higher Education Act.
SD-430

3:00 p.m.
Governmental Affairs
To continue hearings on the nomination of John Agresto, of the District of Columbia, to be Archivist of the United States.
SD-342

4:00 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 1452, to settle Indian land claims in the Town of Gay Head, Massachusetts, S. 2118, to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians, H.R. 1344, to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, H.R. 1920, to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and lands, and S. 2504, to authorize certain transfers affecting the Pueblo of Santa Ana in New Mexico.
S-205, Capitol

SEPTEMBER 11

9:00 a.m.
Armed Services
Business meeting, to hear and consider the nomination of Richard P. Godwin, of California, to be Under Secretary of Defense for Acquisition, and other routine military nominations.
SR-222

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 430, to clarify the intent and modify certain provisions of the Foreign Corrupt Practices Act of 1977, and other pending calendar business.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up provisions of H.R. 5438, appropriating funds for fiscal year 1987 for the Department of Defense (pending on House Calendar).
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold hearings on S. 1177, to establish a special magistrate to preside over Federal criminal offenses on Indian reservations, and to provide tribal and local police officers with authority to enforce Federal laws within their respective jurisdictions.
SD-562

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of John W. Melchner, of Maryland, to be Inspector General, Department of Transportation, and William R. Graham, of California, to be Director, Office of Science and Technology Policy.
SR-253

11:00 a.m.
Labor and Human Resources
To resume hearings on S. 1804, to establish a program to provide development and incentive grants to states for enacting medical malpractice liability reforms.
SD-430

2:00 p.m.
Conferees
On S. 1965, to revise certain provisions and to authorize funds for programs for the Higher Education Act.
2175 Rayburn Building

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 12

9:30 a.m.
Joint Economic
To hold hearings on tax reform.
2359 Rayburn Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
Business meeting, to mark up provisions of H.R. 5339, appropriating funds for fiscal year 1987 for foreign assistance and related programs (pending on House Calendar).
S-126, Capitol

Energy and Natural Resources
To hold oversight hearings on applicable water law during the Federal Energy Regulatory Commission's hydroelectric licensing proceedings.
SD-366

Environment and Public Works
To resume hearings on S. 2340, to provide a system of liability and compensation for oil spill damage and removal costs.
SD-406

SEPTEMBER 15

9:00 a.m.
Impeachment Trial Committee
To hold hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

9:30 a.m.
Joint Economic
To resume hearings on tax reform.
2359 Rayburn Building

2:00 p.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

SEPTEMBER 16

9:00 a.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 2565, to ensure the orderly and competitive development of the telecommunications industry, and related proposals.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 2781, to revise certain provisions of the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2756, Computer Matching and Privacy Protection Act of 1986.
SD-342

10:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

2:00 p.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

SEPTEMBER 17

9:00 a.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

SEPTEMBER 18

9:00 a.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

9:30 a.m.
Energy and Natural Resources
To resume oversight hearings on the domestic and international petroleum situation.
SD-366

2:00 p.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

SEPTEMBER 19

9:00 a.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the air quality within an airplane.
SR-253

Finance
Health Subcommittee
To hold hearings to examine current Medicaid funding services provided for the long-term care of developmentally disabled persons.
SD-215

2:00 p.m.
Impeachment Trial Committee
To continue hearings on matters relating to the impeachment trial of Honorable Harry E. Claiborne.
SR-325

SEPTEMBER 22

2:00 p.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings to review travel and tourism statistics.
SR-253

SEPTEMBER 23

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, and the implementation of the Motor Carrier Safety Act of 1984.
SR-253

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2029 and H.R 4090, bills to establish the Big Cypress National Preserve Addition in Florida,

S. 2442 and H.R. 4811, bills to establish the San Pedro Reparian National Conservation Area in Arizona, H.R. 2921, to authorize the Secretary of Agriculture to issue permanent easements for certain water conveyance systems in order to resolve title claims arising under Acts repealed by the Federal Land Policy and Management Act of 1976, S. 2707 and H.R. 2826, bills to designate a segment of the Horsepasture River in North Carolina as a component of the National Wild and Scenic Rivers System.

SD-366

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.

SD-106

SEPTEMBER 24

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

SEPTEMBER 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

SEPTEMBER 26

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Airport and Airway Trust Fund.

SR-253

SEPTEMBER 29

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1974 and S. 1113, bills to prohibit the imposition by States of the worldwide unitary method of taxation.

SD-215

OCTOBER 1

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

OCTOBER 2

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

CANCELLATIONS

SEPTEMBER 9

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review graduate medical education in ambulatory settings.

SD-430

SEPTEMBER 10

10:00 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.

SD-430